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THE TRADE UNION LABEL

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PREFACE.

This monograph is one of a series of investigations into various phases of American trade unionism undertaken by the Economic Seminary of the Johns Hopkins University. In addition to using the large collection of trade-union publications at the Johns Hopkins University, the author has supplemented such documentary information by personal observation and by interviews with the officers of the leading American trade unions in the chief centers of industry in the United States.

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CHAPTER I.

The History of the Label.

The union label is in origin distinctively a device of American trade unionism.[1] Attempts have been made to find in the "hall marks" of the mediæval guilds prototypes of the labels of the trade unions of the present day; but the analogy appears to be one of fancy rather than of fact.

The history of the label falls into three periods which may be distinguished as follows: (*a*) the introduction of the label among the cigar makers; (*b*) the adoption of labels by other trade unions, largely through the influence of the Knights of Labor, as a means of combating particular forms of competition to which the members of these unions were subject; (*c*) the widespread use of labels as a matter of general union policy.

(*a*) The introduction of the label in the cigar making industry was the direct result of competition between Chinese workmen and the "white" cigar makers of San Francisco. The Chinese immigrants who came to this country in increasing numbers after the ratification of the Burlingame Treaty in 1868 found employment in laundries, boot and shoe factories, cigar factories, slipper factories, shirt factories, wool and clothing factories, and in domestic service. The cigar industry was, however, particularly open to the influx of such labor on account of the ease with which the trade of the cigar maker may be acquired. In 1876 a San Francisco cigar maker in his testimony before the Joint Special Committee of Congress to investigate Chinese Immigration estimated the number of Chinese cigar makers in San Francisco at over 6000 and the number

[1] For an account of the use of the label in England, Australia, and France, see Choppé, Le Label (Paris, 1908), pp. 221–337.

LIBRARY OF THE UNIVERSITY

of white cigar makers at 150.[1] The Chinese laborers in the cigar industry earned on the average about six dollars a week, while the whites earned twice as much. The higher wages of the whites was due partly to their greater speed and partly to the fact that they were able to secure a higher piece rate.

The white cigar makers felt keenly the competition of the Chinese, and in 1875 a local union of white cigar makers, not affiliated with the Cigar Makers' International Union and known as the Cigar Makers' Association of the Pacific Coast, was organized. The membership of the association consisted at first of ten cigar makers, one half of whom were out of work. Immediately after its formation the association incorporated under the laws of California, and adopted a stamp[2] which was registered as the trade mark of the association. The stamp was made of white paper and was pasted on the box containing the cigars. It had on it the following legend: "CIGAR MAKERS' ASSOC'N. The cigars contained in this box are made by WHITE MEN. This label is issued by authority of the Cigar Makers' Association of the Pacific Coast and adopted by law." The stamps were issued only to those manufacturers who employed exclusively white cigar makers. Only one workman, however, in each shop need be a member of the association.

The following extract from the testimony of Frank Muther, an officer of the association, before the Congressional Committee of 1876–1877 outlines the method of administering the stamp:[3]

"Q. How can you tell what number of cigars men make in a particular shop?—A. I will have to explain our society. I am

[1] S. Misc. Doc. No. 36, 44th Cong., 2d Sess., p. 313. See also Coolidge, Chinese Immigration, pp. 365–371.

[2] The present writer is informed by Miss Lucille Eaves of the University of Nebraska that in 1869 the Carpenters' "Eight Hour League" of San Francisco had adopted a stamp to be used on the products of planing mills which were run for only eight hours. It is possible the cigar makers profited by the example of the carpenters.

[3] S. Misc. Doc. No. 36, 44th Cong., 2d Sess., p. 314.

pretty well posted in our constitution. We will suppose that one of these gentlemen keeps a cigar-shop; he has white labor to work. If he wants to obtain this stamp it is necessary for him to have one man belonging to the society in his shop; all the rest may be foreign to us; and then that man will put down every Saturday every cigar each man made, Muther, Harris, Connor, each man so many. This man is bound to report at our headquarters, 107 Geary street, every Saturday night, or between Saturday and Monday, and make regular papers. We have regular headquarters there, regular officers, a safe, and a regular book where everything is entered. If this man should call for stamps, the stamp committee opens the book to find out how many he is entitled to, for they know how many he has manufactured and they cannot fool us on the number of boxes. They cannot put a stamp for one hundred cigars on boxes of twenty-fives, as it reads plainly there are 100 cigars in this box, or 50 or 25 cigars in this box, as the case may be."

The stamp appears to have had for a time considerable influence in diverting trade from the Chinese to the white shops. The anti-Chinese feeling was strong and the association availed itself fully of this aid. By 1878 fifty manufacturers were using the "union label,"[1] though only three or four of these conducted large shops. Under date of March 2, 1878, a committee of the association wrote to the Cigar Makers' Official Journal, the organ of the International Union, that they could find employment for sixty men in San Francisco. They said: "There are now a dozen jobs to be had as against one which was to be had last year. There is an organized movement on foot to drive the Chinese out of the country. They are being replaced by white men as fast as such can be procured." Under date of September 29 of the same year the corresponding secretary of the association wrote: "I only wish

[1] The term "union label" was probably used shortly after the introduction of the stamp, although Mr. Muther in his testimony, quoted, in part, above, always referred to the device as the "stamp." The first use of the term "label" found by the present writer is in the Cigar Makers' Official Journal, October, 1878, p. 1. In a communication to the Journal the corresponding secretary of the Cigar Makers' Association of the Pacific Coast said: "Since about a year ago, or, I might say, since the agitation on the part of the workingmen of California against the curse of Chinese immigration, we have adopted a different course. . . . We appealed to the consumers to buy no cigars that had not the union label on the box, if they wished to place it in the hands of men of our own race, thereby creating a demand for white men's cigars and to a great extent compelling manufacturers to employ white labor only in order to get the union label. . . ."

that some 200 or 300 cigarmakers would come here from the East. We must devise some plan for getting men from the East in order to stop the cry of those manufacturers, who say it is impossible for them to get white men." The campaign of the association was warmly aided by Denis Kearney and the other leaders of the Sand Lot agitation.[1] Great stress was laid on the crowded and unsanitary conditions of the Chinese shops as affecting the desirability of goods made in such shops.

The efforts of the association did not, however, yield permanent results in controlling custom for the white cigar makers of San Francisco. Cigars were imported from the East to supply the demand for cigars made by white labor.[2] As the outcry against the Chinese lessened, the efficiency of the label in controlling custom decreased. In 1881 the Trades' Assembly of San Francisco estimated the number of white cigar makers in San Francisco at 179 and the number of Chinese workmen at 8500.[3] The San Francisco union, however, continued the use of the "white label" until 1884, when it was replaced by the label of the International Union.

In 1879 the St. Louis cigar makers' union adopted a label. Cigar makers' organizations had existed in St. Louis, with intermissions, from 1858; but in 1863 the first organization on strictly trade-union lines was formed. It was affiliated as a local union with the Cigar Makers' International Union of America, and prospered for some time, but owing to internal dissensions and the attacks from opponents of organized labor it was dissolved in the spring of 1877. On December 4, 1877, a few of the former members organized a new local union and received a charter

[1] At a meeting of the association in January, 1879, Kearney made an address, and later accompanied a committee of the association on a round of the Chinese cigar shops. Cigar Makers' Official Journal, January and February, 1879.

[2] Ibid., January, 1879. The Journal alleged that the cigars imported from the East were made in tenement-house shops. One enterprising eastern manufacturer, according to the same authority, introduced "cigars with labels of murdered chinamen."

[3] Ibid., December, 1881, p. 7.

from the Cigar Makers' International Union of America. After a short period of prosperity it became weak almost to the point of disorganization, and in August, 1879, was reorganized with less than twenty-five members. A rally of the cigar makers of St. Louis was held, a new bill of prices was formulated and presented to every shop. Strikes were declared in those shops which refused to pay the union rates. The manufacturers declared that rather than pay the prices demanded they would buy their cigars from factories in other cities.

In this emergency the president of the union conceived the idea of adopting a label in order to stimulate the demand for cigars made by St. Louis labor. The union approved the suggestion, and a label was designed and registered as a trademark in the name of the president. The description of the label as given in the application for registration was as follows: "44 Union Cigar Makers' Label 44. St. Louis, Mo. F. von der Fehr; in the centre of said label is a ring in which are the words, Cigar Makers' Union, No. 44, St. Louis, Mo. and two leaves representing tobacco, also two hands uniting." The label was red, and was printed on glazed paper as a protection against removal by wetting.[1]

The corresponding secretary of the St. Louis union in a communication to the Cigar Makers' Journal under date of September 26, 1879, said: "This union has issued a union label, to be affixed to each box of cigars by those manufacturers only who are paying the prices demanded. We have also issued a printed address to the public requesting them to refrain from buying any cigars other than those which bear the union label, indicating that the man who made those cigars is getting the union price for his labor. Some of the manufacturers are crying for our label, being unable to sell their cigars without the union label. We refuse to issue labels to some of our manufacturers, inas-

[1] The writer is indebted to Mr. F. von der Fehr, who was president of the union at the time, for information concerning the adoption of the label.

much as they fail to comply with our demands." In the address to the public issued by the union, after a narration of the causes of the strike, the following passage occurs: "For the better protection of ourselves and those employers who have acceded to our demands we have, under the cover of law, issued the Union Label and be it further understood that this label is only issued to those who are paying to us our just demands. This label is placed in a conspicuous place on part of the box so that all can see it; and we would further ask that the public would patronize those who use this label, as it is a sure indication that the public is with us. This label is not to be used on either tenement house or penitentiary goods." The introduction of the label enabled the union to win the strike and to unionize the shops. The St. Louis union continued to use the local red label until 1889.

The adoption of local labels by the cigar makers of San Francisco and St. Louis attracted the attention of union cigar makers in other cities, and at the session of the Cigar Makers' International Union of America, held in Chicago September 21–24, 1880, Frederick Blend of Evansville, Indiana, first vice-president of the International union, introduced "some resolutions in regard to issuing trade-marks or union labels suitable to be placed on the box in a conspicuous place."[1] The resolutions were adopted and became a part of the constitution of the national organization. At this time the International union was engaged in a struggle in New York City against the manufacture of cigars in tenement houses. The union was also endeavoring to prevent the manufacture of cigars in prison. It seems clear that the idea animating the convention was that the label which had so recently proved effective in St. Louis might serve as a weapon in this warfare. The resolution for the adoption of a label provided that it should certify on its face that the cigars contained in the box on which it was placed "had been made by a first class work-

[1] Cigar Makers' Journal, October, 1880, p. 7.

man, a member of the Cigar Makers' International Union of America, an organization opposed to inferior rat shop, coolie, prison, or filthy tenement-house workmanship."[1] In a letter published in the Journal for October, 1880, Mr. Blend said: "Another important work of the late convention I would especially call your attention to, that is the adopting of the union label for union made cigars. If adopted and carefully managed in accordance with the intent of the law, it will prove a valuable protection and safeguard for honest labor, it will to a large extent prevent impositions upon the public and be a positive Detective to help separate and weed out filthy inferior tenement-house, Prison, Chinese and rat shop workmanship at present imposed upon the public in all sections of the country as being the production of skilled mechanics."[2]

The first labels appear to have been sent to local unions about January 15, 1881. The financial accounts of the union for December, 1880, contain the following item: "Commissioner of Patents, $7," a payment made in all probability for the registration of the label. The same accounts in January show expenditures for "photoengraving 36 electrotypes and printing of 103 thousand union labels, $66.60," "copyrighting of label in Canada, $4.00," "postage of union labels, $8.25."

The labels were received by some of the local unions with enthusiasm. The local union at Jacksonville, Illinois, wrote on February 4, 1881, that every cigar manufacturer in that city was using the label. The Terre Haute union found after two weeks' use of the label that its membership had increased, and it was "sanguine in the hope that we shall soon have nearly every cigar maker in the city in our union." On April 3 the Detroit union reported that it had

[1] In the label as originally issued the words "cooly, prison, or filthy tenement house workmanship" were capitalized.

[2] Under date of February 17, 1881, International President Strasser decided that members who worked at home in the evening were not entitled to use the label "because it is a similar system to the tenement-house cigar factories, against which we are fighting." Journal, March, 1881, p. 3.

almost doubled its membership "by means of the union label." In May, Mr. Strasser, International president, issued through the Journal an "Appeal to the Trade and Labor Unions of the United States and Canada." The greater part of the appeal consisted of a description of the dangers of tenement-house and coolie labor both to the laboring class and to the consumers of their products. A facsimile of the label was reproduced.[1] At the annual session of the union in September, 1881, President Strasser announced that he had issued one and a half million labels, and believed that "if the trades unions of America were but half as numerous as those of Great Britain, the label could be made a power not to be resisted.[2]

(*b*) The second period in the history of the union label movement in the United States was characterized by the adoption of labels by certain trade unions, notably the Hatters and Can Makers, as means of combating specific forms of competition, threatened or actual, to which the particular organization was exposed. Roughly speaking,

[1] The International label was light blue in color, and with a change in the wording of the legend (see p. 25) was essentially the same then as now. In practically all the accounts of the introduction of the label it is related that at the convention of the Cigar Makers which adopted the label "a dispute arose between delegates from the Pacific Slope and those from St. Louis as to the color of the label. 'Let us,' said an Eastern delegate 'take the other color of the flag,' upon which the present blue label was adopted." This anecdote in slightly variant forms is found in J. G. Brooks's "The Trade-Union Label," Bulletin of Department of Labor, Vol. 3, p. 198; in Choppè's "Le Label;" in Vigouroux's "La Concentration des Forces Ouvrieres dans L'Amerique du Nord," and in the Eleventh Special Report of the Commissioner of Labor on "Regulation and Restriction of Output." In none of these works is any authority for the story cited, and in the three latter cases it was probably drawn from Mr. Brooks's article. There is no evidence in the official publications of the Cigar Makers supporting the anecdote. In the minutes of the convention of 1880 nothing is reported concerning any such dispute; in fact, the rules adopted did not prescribe any color for the label. The present writer inquired of Mr. Strasser concerning the incident and received the following reply: "The convention delegated the matter to me. After due consideration I reached the conclusion that the blue color would be most attractive, especially in the evening. All other stories are based upon imagination."

[2] Journal, October, 1881, p. 4.

we may say that from 1880 to 1890 the trade-union label was regarded primarily, not as a means of appeal to unionists to support other unions, but as a means of appeal to the public against conditions which were generally discountenanced—tenement-house, sweat-shop, and prison labor.

The Hatters had been facing the problem of immigrant competition since 1880. Slavs and Poles were being introduced into the New England hat factories to work in teams at wages below what the American hat makers were receiving. In 1885 the Hat Finishers' Association and the Hat Makers' Association, after a strike at Norwalk, Connecticut, adopted a joint label called "The Label of the United Hatters of North America." From 1885 to 1898 the two organizations remained distinct, and during this period of eleven years "The Label of The United Hatters of North America" was a prime weapon of defense against the encroachment of immigrant labor.

The wider use of the label was much promoted during this period by the solidarity given to the labor movement by the Knights of Labor. A prime doctrine of that organization was that the power exercised by the laborers as consumers, if they could be united, was far greater than as employees. The Knights had from the outset exalted the boycott above the strike as a weapon. They were therefore quick to see the possibilities which lay in the label. In February, 1884, the general executive board adopted an "official label of the Order for use upon goods manufactured or sold by members." The legend on the label declared that the goods upon which it was placed had not been manufactured by "convict, contract or other slave labor."[1] The administration of this label was extremely loose, and it is impossible to determine what assemblies used it. It is certain that almost immediately certain assemblies of cigar makers, profiting by the publicity which the Cigar Makers' International Union had given their blue label, began to use the white label of the Knights.[2]

[1] Record of Proceedings of the Seventh Regular Session of the General Assembly, 1883, p. 625.
[2] Proceedings, Knights of Labor, 1885, p. 109.

In 1885 Can Makers Assembly, 1384, of Baltimore, Maryland, identical with Can Makers' Mutual Protective Association, probably because the "white label" of the Knights was not a suitable form of label for marking cans, adopted the following mark—"C.M.M.P.A., hand-made—" to be stamped on the bottom of each can. Machinery was being introduced at that time in the can-making trade, and the can makers conceived the idea of appealing to consumers to purchase hand-made cans.[1] It was maintained that the use of machine-made cans caused injury to the health of the consumers of canned goods, displaced skilled can makers, and was responsible for the employment of women and children under unsanitary conditions.[2] This label was endorsed by the general executive board of the Knights of Labor, and circulars were issued to the assemblies in its behalf.

From time to time the general executive board granted permission to various other local assemblies to use distinctive labels, although ordinarily it insisted on the use of the "white label." The cigar makers, the boot and shoe workers, the knit goods workers, the file makers, the pearl button makers, the pearl workers, cigar box makers, bakers, trunk makers, glove workers, umbrella workers, and leather workers were allowed to have special devices.[3]

The only national trade unions besides the Hatters and Cigar Makers to adopt a label before 1890 were the Germania Typographia (1885), Typographical Union (1886), Garment Workers (1886), Coopers (1886), Boot and Shoe Workers (1887), Bakers (1886), Molders (1887), Tailors (1886). In none of these unions, however, was the label important until after 1890. In several cases labels were adopted but so little employed as to be later replaced by entirely new ones.

The final breach between the national unions and the Knights of Labor was largely due to a controversy between

[1] Proceedings, 1885, pp. 156, 163.
[2] Proceedings, Knights of Labor, 1886, p. 176.
[3] Ibid., p. 136.

the Cigar Makers and the Knights of Labor with regard to the use of the label. The assemblies of cigar makers, as has been noted, were the first of the Knights actively to use the "white label." Early in 1886 the Cigar Makers International Union protested to the officers of the Knights of Labor that assemblies of cigar makers had given "white labels" to manufacturers in whose shops union cigar makers were on strike. The relations between the two organizations became so strained that the general assembly of the Knights in 1886 required all cigar makers who were members of the Knights of Labor to withdraw from the Cigar Makers' Union. The issue of this edict by the executive board marked the beginning of the downfall of the Knights.[1]

(*c*) The third period in the history of the label began about 1890, and is characterized by the use of the label as a general device of trade unionism. Hitherto the use of the label had been confined to a small number of unions, practically all of whom had some appeal to popular sympathy. The wide use of the label after 1890 was due to a change in view with regard to the possibility of rousing a popular demand for the label. As has been noted above the unions which first adopted labels hoped to secure the custom of the public at large. But they soon found that the only effective appeal was to fellow unionists. Mr. J. G. Brooks, writing in 1898 of the union label, lays much stress on the possibility of the unions' winning public sympathy. He says, for example, "In trades like that of the garment workers, a label that should be confidently known to stand for definite improvement in the life of the worker would attract a powerful public sympathy," and he complains that the rules under which the union labels were issued gave ordinarily no guarantee of good quality of work or of sanitary conditions.[2] By the time of Mr. Brooks's article, however, the unions had almost entirely aban-

[1] Kirk, "National Labor Federations in the United States," in Johns Hopkins University Studies in Historical and Political Science, Series XXIV, pp. 626, 657.

[2] Bul. Dept. of Labor, Vol. 3, p. 215.

doned the plan of cultivating a general demand for label goods. With the abandonment of the idea of the general appeal the way was opened for the wider use of the label. It was not necessary for a union to make out a case to attract custom. It could count as confidently on union support if its members were well paid as if they were poorly paid. In one form or another the use of the label spread from union to union almost without regard to whether it might be effectively used. The label has come to be considered almost as necessary a piece of equipment for a national union as an official seal. In each five-year period from 1890 to 1905 some fifteen national unions adopted labels.

The following list shows the date at which the label was introduced by the different unions:[1]

1890 to 1895.

Retail Clerks 1891, Brewery Workmen 1892, 1895, Broom and Whisk Makers 1893, Barbers 1891, 1896, Carriage and Wagon Workers 1895, Horseshoers 1895, 1898, Sheet Metal Workers, 1895, Shirt, Waist and Laundry Workers 1895, 1901, Teamsters 1895, 1903, Tobacco Workers 1895, Travellers Goods and Leather Novelty Workers 1895, Flour and Cereal Mill Employees 1895, 1902.

1896 to 1900.

Brick, Tile and Terra Cotta Workers 1896, Hotel and Restaurant Employees 1896, 1899, Wood Workers 1896, Leather Workers on Horse Goods 1898, Musicians 1897, Machinists 1897, 1905, Metal Polishers and Buffers 1897, Brush Makers 1897, Elastic Goring Weavers 1897, Boilermakers 1898, 1901, Meat Cutters and Butcher Workmen 1898, Piano and Organ Workers 1898, Stove Mounters 1898 Upholsterers 1898, Blacksmiths 1900, Watch Case Engrav-

[1] Where two dates are given, the first is the date when a label is first noted as being in use by organized workmen in the trade, the second is the date of the adoption of the present label.

ers 1900, Wood, Wire and Metal Lathers 1900, Ladies Garment Workers 1900.

1901 to 1905.

Wire Weavers 1901, Actors 1901, Jewelry Workers 1901, Wood Carvers 1901, Steam Engineers 1902, Painters 1902, Pressmen 1902, Cloth Hat and Cap Makers 1902, Steel and Copper Plate Printers 1902, Paper Makers 1902, Glass Workers 1902, Gold Beaters 1902, Theatrical Stage Employees 1902, Glove Workers 1902, Leather Workers 1902, Machine Printers 1902, Powder and High Explosive Workers 1902, Rubber Workers 1902, Textile Workers 1903, Stationary Firemen 1903, Print Cutters 1903, Saw Smiths 1903, Tip Printers 1903, Glass Bottle Blowers 1904, Fur Workers 1905, Paper Box Makers 1905.

1906 to 1908.

Marble Workers 1906, Shingle Weavers 1906, Pocket Knife Blade Grinders and Finishers 1907, Woodsmen and Sawmill Workers 1907, Photo-Engravers 1908, Slate Workers 1908.

The use of the union label is not confined to national trade unions. In 1890 the American Federation of Labor adopted a label for the use of those local trade unions not organized into national unions but directly affiliated with the Federation. In 1908 such organizations were the Badge and Lodge Paraphernalia Workers, the Soda and Mineral Water Bottlers, the Coffee, Spice and Baking Powder Workers, the Horseshoe Nail Makers, the Neckwear Cutters and Makers, the Button Workers, the Paper Box Makers, and the Suspender Makers.

Labels have been adopted also by several alliances of trades which combine to produce a single product. The Allied Printing Trades Council label was first issued by the Typographical Union in November, 1893. In 1897 the form of the label was changed to meet the objections of the Pressmen to the monogram of the Typographical Union

which appeared upon this label. In 1905 at a meeting of the joint conference board the representatives of the "Allied Printing Trades" drafted the rules which now control the use of the label of the "Allied Printing Trades' Council." The National Building Trades' Council in 1903 issued two forms of union labels for buildings.[1] The extent to which these labels have been used has been very limited. From 1897 to 1905 the Metal Mechanics, the Machinists, and the Metal Polishers used a joint label.

In 1908 there were affiliated with the American Federation of Labor 117 national trade unions. Of this number 68 unions were using the label in some one of its forms. The total membership of the label-using unions was 724,200, or approximately 47 per cent. of the aggregate membership of the American Federation of Labor, which was 1,586,885.

[1] Bronze labels of large size for public buildings; aluminum of small size for private residences. Labor Compendium, December 27, 1903, p. 1, and February 7, 1904, p. 7.

CHAPTER II.

The Form of the Label.

The trade-union label, using the term in its widest sense, is used in three forms: (*a*) a label to mark a product, (*b*) a shop card for display in a place of business, and (*c*) a button for personal use.

Label on Product.—The trade unions which in 1908 used a label on the product were the Bakery and Confectionery Workers, Blacksmiths, Boot and Shoe Workers, Boiler Makers and Iron Shipbuilders, Brewery Workmen, Brick, Tile and Terra Cotta Workers, Broom and Whisk Makers, Brush Makers, Carriage and Wagon Workers, Cigar Makers, Cloth Hat and Cap Makers, Coopers, Flour and Cereal Mill Employes, Fur Workers, Garment Workers, Glass Workers, Glove Workers, Gold Beaters, Grinders and Finishers, Hatters, Horseshoers, Jewelry Workers, Ladies' Garment Workers, Leather Workers, Leather Workers on Horse Goods, Lithographers, Machine Printers and Color Mixers, Machinists, Marble Workers, Meat Cutters and Butcher Workmen, Metal Polishers and Buffers, Molders, Painters, Decorators and Paperhangers, Paper Makers, Photo-Engravers, Piano and Organ Workers, Plate Printers, Powder Workers, Printing Pressmen, Print Cutters, Saw Smiths, Sheet Metal Workers, Shingle Weavers, Shirt Waist and Laundry Workers, Stove Mounters, Slate Workers, Tailors, Textile Workers, Tip Printers, Tobacco Workers, Travellers' Goods and Leather Novelty Workers, Typographical Union, Upholsterers, Watch Case Engravers, Wire Weavers, Wood Carvers, Wood, Wire and Metal Lathers, Wood Workers, Woodsmen and Sawmill Workers.

Some trade unions are estopped from the adoption of a label because of the character of the demand for the

product. The Granite Cutters and Stone Masons are in favor of the label movement and have considered the adoption of a label, but a label pasted upon the stone would not remain, and the employers refuse to allow any design to be cut in the stone. The Glass Bottle Blowers are in much the same position as the Granite Cutters and Stone Masons. The only satisfactory way in which a label could be put upon a bottle would be to have it blown in the bottle. The employers cannot permit this because the bottles are made, not for sale in the market, but on contract. No practicable method has been found by the Glass Bottle Blowers to meet this difficulty.[1]

The legends on the union labels are not ordinarily significant, and in many cases consist simply of a symbol and the name of the organization. The label of the Boiler Makers and Iron Shipbuilders, for example, simply states: "When upon work guarantees that it is the product of union labor." In a few cases the labels do, however, make in their legends either a claim to excellence in the product or that the work was not done under bad sanitary or labor conditions. The label of the Bakery and Confectionery Workers declares itself to be a "guarantee of living wages, reasonable hours of labor, humane treatment, wholesome and clean bakeries and factories and good workmanship." The Cigar Makers' label signifies in its wording "that the cigars contained in this box have been made by a first class workman, a member of the Cigar Makers' International Union of America, an organization devoted to the advancement of the moral, material and intellectual welfare of the craft." The Iron Molders' label sets forth: "This certifies that these castings have been made by competent, first class workmen who

[1] A very ingenious adaptation of the label in a case where the product is of such a character as seemingly to preclude the use of any form of label has been worked out by the United Mine Workers since 1899 through coöperation with the Teamsters. The label of the Miners is upon the receipt which the driver carries when he delivers a load of coal, and in this way the purchaser may secure union-mined coal. The use of this label is confined to the State of Illinois.

are members of the Iron Molders' Union of North America, an organization opposed to inferior and prison made goods." The Paper Makers' label indicates the purpose of their organization, "which demands a living wage, reasonable and fair conditions for its members." The Upholsterers' label purports to guarantee that "the Upholstering upon which this label appears was done by a competent workman, a member of the Upholsterers' International Union of North America." In the earlier period of the history of the label the legend was ordinarily a claim for patronage on specific grounds, but since the label has become primarily an appeal to unionists it has been regarded as sufficient to set forth that the product is union made.[1]

Three factors have entered into the determination of the method and place of attachment of any particular union label: (1) the nature of the product, (2) the desire to have the label as prominently displayed as possible without offending purchasers, (3) the desire to prevent the reusing of labels.

It may be said in general that labels are attached in four ways. They are pasted or sewed upon the article, or printed upon it, or stamped into it, or riveted to it. The cheapest form of label is the printed strip of paper pasted on

[1] The Cigar Makers' label originally set forth that the union was "opposed to inferior rat shop, coolie, prison or filthy tenement house workmanship." In 1893 these words were replaced by the following, "devoted to the advancement of the moral, material, and intellectual welfare of the craft." In this particular instance the change was probably due to attempts made to have the courts deny legal protection to the cigar makers' label on the ground that the wording transgressed the rules of morality and public policy in that it implied that cigars not bearing the label were not made under good conditions. The only case in which this view prevailed was McVey v. Brendel, 144 Pa. St. 235, in which the court said, "When the Cigar Makers' International Union of America stigmatizes those who do not belong to it, and seeks to induce the public to discriminate against them and their work by covering them with opprobrious epithets, it is not engaged in promoting the mental, moral, and physical welfare of its members, but is trying to hurt and destroy those who do not choose to become members." In all the other cases the courts took the view that the legend was not an attack on the cigars made by other than unionists. See Cohn v. People, 149 Ill. 486.

the product. The Cigar Makers' label glued on the box is of this kind, as are those of some fifteen other unions. Where the article does not permit the pasting on of paper labels, the next choice is the paper, linen, or cloth label sewed to the article. A large class of commodities do not permit, however, of either method of attachment, as, for example, metal wares.[1] Here resort has been had to stamping on the article with a metal die the union label or to riveting upon it a piece of metal bearing the label. Some unions use more than one method of attachment. Thus, the Meat Cutters and Butcher Workmen use two forms of label: a paper label on the carcass in the slaughter houses, and a stamp burned into the boxes containing products packed by union workmen. The Rubber Workers during their existence permitted the greatest latitude in the method of attaching their label. A local union which wished to use the label on rubber goods was allowed to "arrange the label in any position

[1] The Iron Molders have experienced much difficulty in the use of a paper label. The president of that union in his address to the session of 1899 said: "There is another difficulty, and one which is of a practical character, that inclines me to the belief that so long as we continue to use a paper label we can never expect much success, and that is that manufacturers who have essayed its use have found it well nigh impossible to get a paste that will hold it to the casting. It requires a very strong gum, which, if not used with the utmost care, will deface the labels, and if the label does come off it leaves a defacement on the casting that can scarcely be removed. Some of the foundries that are using the label don't put them on their wares except as ordered, and I have come across dealers who have received the labels in bulk from the foundry, and when the label was called for by a prospective buyer he would go to the desk, and, securing a label, lay it on the stove. The reason given for this is that if the label be placed on the stove before it goes to the warehouse, it would be so soiled and defaced as to be unrecognizable. The label handled in this way could be placed on any stove, whether made by Union or non-union molders. In the face of these objections, then, it must be apparent that it is necessary to adopt a different device than the one now in use if it is to be of any advantage to us. The idea that suggests itself to me is to secure a new design in the form of a stamp, an impression of which could be placed on the mold of such part of the stove or casting as would be most conspicuous and the least objectionable to the foundry proprietor; these stamps to be placed in the hands of one of our members in the different foundries who would be held responsible for its proper use;" see President's Report, twenty-first session, 1899, in Iron Molders' Journal, vol. XXV, no. 9, pp. 15–16.

which will be best suited to attach to the machinery."[1] In practice the label was affixed by impressing the rubber with a steel stamp, by pasting paper labels on the products, or by engraving the label upon the "collender rolls" and thus securing an impression of the label on the rubber.

The label must be sufficiently prominent to be readily found, but its display must not be so conspicuous as to drive away consumers. The Hatters' label illustrates these conditions very well. It is attached to the inside of the hat under the bow ribbon on the outside band, and is stitched in such a way that the thread of the label must pass through the bow. It is concealed, and at the same time it may be readily found by any one who is desirous of having the label on the product. The United Garment Workers use a linen label sewed in the hip pocket of overalls, in the inside pocket of coats, in the inside pocket of vests, and in the hip pocket of pants. The Tailors' label is placed similarly "on coats in the inside of the breast-pocket. On vests in the middle of the back-strap, on the inside of the waist-band or on the inside of the watch-pocket."[2] The Fur Workers' label is "sewed in the inside pockets of all coats and garments where it is possible to do so. If there is no pocket in the garment, the label shall be put on in any other suitable place."[3] The Boot and Shoe Workers imprint their label upon the sole, the insole, or, since 1902, the lining of boots and shoes.[4]

The Printers have frequently had objections raised to the use of their label on the ground that it was unsightly, and they have endeavored to meet this difficulty by issuing very small electrotypes for printing the label. A customer may thus have the typographical label reduced to tiny dimensions. But even at the present time ardent unionists admit that the use of the label on small jobs, such as visiting cards, is inartistic. The Carriage and Wagon Workers

[1] Constitution, 1903, p. 39.
[2] Constitution, 1906, p. 30.
[3] Constitution, 1904, p. 8.
[4] Constitution, 1902, p. 12.

in 1903 decided to issue their label in three different sizes to meet the demands of the manufacturers for a small and less conspicuous label, and in 1904[1] the same union adopted a distinct label for the "lamp-makers, axle makers and allied branches of the trade." The Bakery and Confectionery Workers find a great deal of objection to the label on bread.

Some unions have been led to change the form or method of attachment of their labels in order effectively to prevent the reusing of labels. The General Council of the Amalgamated Wood Workers, for example, in 1900 changed from a metal label to the present decalcomania stamp in order to prevent the removal of the label and its attachment to non-union work. The label of the Cigar Makers is pasted across the top and the front of the box in such a manner that the label must be broken when the box is opened. Until 1903 the label was pasted on the inside of the box.

A few unions use different labels for different products. The Boot and Shoe Workers are not confined to the use of that form which is seen on new work. At the sixth convention, held in Cincinnati in 1904, the "Repairers' Stamp" was adopted for those union repair shops employing one or more journeymen "who have been members for six months."[2] The Upholsterers have two forms of label, one for the Upholsterers and one for the Mattress Makers. The Coopers use three forms of label, one for "tight work," one for "slack work," and an ink stamp for the "bottom and at least one stave for tanks and vats made in parts; and if set up by members of the Coopers International Union, the regular 'tight' or 'slack' label is impressed upon the product in addition to the ink stamp previously imprinted upon the sections."[3] The Print Cutters have two forms of label to distinguish the two distinct branches of the trade. "The Cutters' Label" is made

[1] Proceedings of the Carriage and Wagon Workers, 1904, p. 62.
[2] Proceedings of the Boot and Shoe Workers, 1904, p. 36.
[3] Constitution, 1906, p. 14.

of steel and is impressed upon all print blocks or rollers cut by members of the association. "The Putters On" have a label in the form of a disc, which contains the words, "National Print Cutters' Association of America." The label of the cutters has only the letters " N. P. C. A. of A." The label of the "Putters On" is used on all print blocks, rollers, and sketches made by members of the association.

There are two forms of the label in use among the Horseshoers. The journeymen have a separate form of the label and the masters have another form. Within this trade there are two distinct organizations, one composed of the masters, i. e., those workmen who run shops of their own and employ one or more journeymen or do the work themselves; the other is made up entirely of journeymen. In the masters' shops the label of the masters is used. The label of the journeymen is used exclusively in what are known as "Corporation Shops," such as are run by the large express and transfer companies to do their own work. The journeymen's label is allowed only on the work done in such shops for the companies which own and operate such establishments. This form of label is not to be found on any work done on any horses not belonging to the corporations which run the shops. The conditions for the issue of these forms of label are fixed by agreements between the two organizations of masters and journeymen.

The Shirt, Waist and Laundry Workers frequently considered changes in the three forms of label which they used, viz., (*a*) the label attached to shirts at the lower part of the bosom, (*b*) the stamp on collars and cuffs, (*c*) the imprint upon laundry lists of union laundries. In 1904 the secretary-treasurer reported that the manufacturers desired to dispense with the cloth labels attached to shirts, and preferred to use the stamp on all products. The union objected to this change because of the financial loss resulting therefrom, but favored a change in the form of the label used in those factories which make only collars and

cuffs on the ground that the wording of the label signified that the firm was engaged in the manufacture of collars and cuffs exclusively. In 1903 the union adopted the "Union Shop Card" for all union laundries and those agencies which give their work only to union drivers.

Shop card.—Certain unions, chiefly those of personal service, use a shop card to indicate that the establishment is conducted according to union rules. These unions are the Barbers, Meat Cutters and Butcher Workmen, Hotel and Restaurant Employes, and Retail Clerks. The Barbers appear to have used such a device since about 1891. These cards are intended to be displayed prominently, and are usually placed in the windows of the establishments.

Buttons.—A considerable number of such unions use a button to indicate that the workman performing the service is a member of the union of his trade. The Retail Clerks, the Barbers, and the Hotel and Restaurant Employes thus use the button in connection with the shop card. The Retail Clerks' International Protective Association was the first of these to adopt a button. From 1891 to 1898 the button was used alone, but since 1898 the button has become less important than the shop card. The Actors, Horseshoers, Steam Engineers, Stationary Firemen, Musicians, Theatrical Stage Employes, and Teamsters use a button. In 1898 it was proposed that the same style of uniform should be worn by all members of the Musicians' Union. It was planned to have this uniform copyrighted, and thus to obtain proprietary use of it. The proposal was rejected, because of difficulties anticipated in obtaining such a copyright, and because it was impracticable to require all bands to wear the same style of uniform. A button was adopted as the emblem of the Union, and remains in use at the present time.[1]

In recent years it has frequently been proposed that the national unions affiliated with the American Federation

[1] Proceedings of the Musicians, 1898, and Constitution, 1898, pp. 61, 33.

of Labor should abandon the use of their individual labels and use a single label. In 1908 the executive council of the American Federation was authorized to investigate the matter. A considerable correspondence was carried on with the national unions concerned, but it was found that they were with very few exceptions opposed to any plan which involved the abandonment of their labels. The executive committee then inquired whether the unions were willing to consent to "some universal design upon the labels of all." By the latter plan the labels might differ in many particulars, but all would have in their labels at least one point of resemblance. Eleven national unions favored such a plan, eleven were opposed, and eleven were undecided. The remainder did not reply to the question. The plan for a uniform design has been for the time, at any rate, abandoned.

The main point urged in favor of adopting such a "universal design" has always been that consumers could better identify union goods. It is said that the large number of labels makes it difficult for consumers to remember them, and non-union employers are thus enabled by subterfuges of one kind or another to palm off non-union for union goods.[1] In opposition it has been urged that in the case of certain unions, e. g., the Printers, the label would have to be increased in size, and this, as has been noted above, is objectionable. It has also been urged that the different unions take a keener interest in the propaganda for their individual labels than they would in that for a "universal design."

[1] The Tobacco Workers complained, for example, in 1904 that a firm of tobacco manufacturers were placing on the market a brand of tobacco under the name of "Union Leader" and with a label on it similar to the label of the Tobacco Workers. A. F. of L. Proceedings, 1904, p. 156.

CHAPTER III.

The Administration of the Label.

The administration of the label in practically all the unions in which it plays an important rôle has been transferred more and more from the local to the national union. This development has two aspects. In the first place, the national union has determined more and more fully the conditions under which the label shall be granted. This phase of the subject will be treated in the following chapter. In the second place, the methods of issuing the label have been explicitly defined by national rules; and certain officers, local and national, have been assigned duties with reference to the label.

This centralization of administration has been due to two causes. The enforcement of national regulations concerning the conditions under which the label may be issued could hardly be accomplished except by the building up of such a national administrative system. But more than this, from the very beginning it has been found difficult to prevent the unauthorized use of labels. The main object, then, which the administrative provisions seek to accomplish is to impose upon certain officials a definite responsibility for the issue of the label, and thus to prevent its illicit use.

Among the American trade unions, however, the administration of the label varies widely in the degree of centralization attained. In general it may be said that in those unions in which the article produced is one for which there is a wide market the degree of administrative centralization is greater. A cigar maker in one city is keenly interested in the methods by which a sister union in another city provides against the illicit use of the label, since the cigars from that city come into competition with his own product. Other unions, as for example the Bakers, whose

product is sold only locally, are less concerned with the loose issue of labels by local unions in other cities. In such cases each local union has only to concern itself with providing against any irregularities in the issue of its own labels.

In practically all of the American trade unions which use the label the printing of the labels or the making of the dies with which they are stamped or the electrotypes from which they are imprinted is a duty imposed upon some official of the national union. Originally in many unions this was not the case. The executive council of the Knights of Labor, for example, merely authorized a local assembly to use a particular form of label. Among the Bakers and the Brewery Workers local unions printed labels for their own use at first. Even at present the Horseshoers and a few other unions permit the local unions to furnish their own labels.

The Cigar Makers, Shirt, Waist and Laundry Workers, the Hatters, and the Piano and Organ Workers empower the president of the International union to have "prepared, printed and registered a trade-mark or label." The Wood Workers, Garment Workers, Glove Workers, Fur Workers, Travellers' Goods and Leather Novelty Workers, Bakery and Confectionery Workers, Barbers, Carriage and Wagon Workers, Painters, Decorators and Paperhangers, Horseshoers, Hotel and Restaurant Employes, Retail Clerks, Broom and Whisk Makers, Sheet Metal Workers, Typographical Union, Ladies' Garment Workers, Tobacco Workers, and Coopers empower either the secretary or the secretary-treasurer of the national union to perform the same duties. The Cloth Hat and Cap Makers have an officer known as the "label holder" who keeps the labels under lock and key and gives them as needed to the national secretary, who in turn distributes them to the local unions.[1] The "label holder" through the national secre-

[1] Constitution, Art. VII, Sec. 10 (New York City, n. d.).

tary sends a full report of his work to the union assembled in national convention.

The general executive board is associated in a supervisory capacity with the president or secretary in the administration of the label. This body is usually composed of the president, vice-presidents, and the secretary and treasurer of the international union. It constitutes a "court of final appeal" in all cases of dispute arising from the use of the label. Appeal from its decision may be taken to the annual convention or in some unions to the popular vote.

It is the duty of the national officials indicated above to see that the local officials through whom the labels are distributed perform their duties properly. Ordinarily the local union passes upon applications for the use of the label, but in the cases of the Boot and Shoe Workers' Union and the Glove Workers the national officials make a contract directly with the manufacturer. All the conditions under which the label is to be used are set forth therein. The local unions have, however, the right to refuse their assent to such contracts, and in that case they are not made.

Not only do the national unions supervise the granting of the right to use the label, but they also, in one way or another, attempt to see that the local union does not deprive a manufacturer entitled to the label of its use. Not many of the national unions specifically provide to this effect, but in all the chief label-using unions an appeal by a manufacturer that he was being discriminated against would be investigated, and if found true the local union would be forced to grant the use of the label. The Hatters provide explicitly that "the label shall not be removed from any factory under the jurisdiction of the United Hatters of North America without the consent of the General Executive Board."[1] The Cigar Makers provide that "no employer or member of the union, who is a manufacturer, shall be deprived of the use of the label prior to a regular

[1] Constitution, 1906, p. 17.

trial with an opportunity to present his case personally, by attorney or in writing. The trial board shall be composed of seven members or officers, and shall be elected annually in the month of January for the period of one year. All charges must be submitted in writing and it shall require five votes to convict. In places where more than one charter is in force, the joint label committee shall be the trial board, each union to have at least one representative on the same."[1]

The local administration of the label is vested in the officers either of the "district council" or of the local union. Where, as is the policy of some unions, particularly those of the "industrial" type, more than one local union is chartered in any locality, the "joint councils," composed of representatives from the local unions, administer the label for that locality. The Shirt, Waist and Laundry Workers, the Painters, Decorators and Paperhangers, the Garment Workers, the Boot and Shoe Workers, and the Brewery Workers employ this method. The Typographical Union in those "cities or towns where more than one branch of the craft is organized" empower the Allied Printing Trades Council to act as agent of the International union in the issuance of the labels. Where, as is the more usual practice, it is the policy of the national union to charter only one union in a locality, the local unions and their officers administer the label.

In the great majority of label-using unions the labels are sent to the secretary of the "joint council" or local union, and he distributes them to the factories or shops under the general superintendence of the "joint council," of the executive council, or of a label committee of the local union. In certain unions, however, in which the label has assumed great importance it has been found desirable to create special officials for the performance of this duty. The Cigar Makers thus have in recent years required local unions to elect officers known as "label custodians" whose

[1] Constitution, 1896, 14th ed., pp. 39–44.

duty it is to keep records of manufacturers using the label, their place of business, revenue district and factory numbers, number of hands employed, cigars manufactured, number of labels used each week, number of labels on hand on the first day of the month, number received during the month, those unfit for use, etc. Each month the label custodian must render a full report, which, after being examined and approved by the finance committee or joint auditing committee of the local union, must be sent to the International president.[1] "Any label custodian failing to mail a report to the International president within fifteen days after the expiration of each month shall be fined two dollars for the first offense; and for the second offense the sum of three dollars shall be imposed, and no labels shall be forwarded to said union until the conditions of this section are complied with."[2]

The Garment Workers require each district council to elect a "label secretary" who receives the labels from the general secretary and personally attends to their distribution. He fills out monthly a detailed statement showing the number of labels given to each shop, the location of each shop, and other similar details. Similarly, the Ladies' Garment Workers, an organization comprising local unions of cutters, tailors and trimmers, require the district council to elect a "label secretary" to manage locally the administration of the label. The Bakery and Confectionery Workers require each local union to elect a "label secretary" who "shall receive all orders for labels and immediately forward such orders to the General Secretary." "The label secretary is responsible for the delivery of all union labels. . . . He must keep books and strictly account for all labels delivered by him."[3]

A considerable number of the unions provide explicitly that only a quantity of labels sufficient for immediate use shall be given out. The Bakery and Confectionery Workers

[1] Constitution, 1896, 14th ed., pp. 39–44, Sec. 154.
[2] Ibid., Sec. 155.
[3] Constitution, 1909, p. 46.

limit the number of labels which may be furnished to any union bakery to no more than may be used in two weeks.[1] The Garment Workers and Ladies' Garment Workers make it the duty of the label secretary, "when labels are called for, to take the amount of labels required by the employer, visit the shop personally and satisfy himself as to the amount of work for which labels are wanted and hand them to the shop chairman."

The local officials in charge of the label are, of course, subject to discipline by the local unions if they fail in their duties, but they are also subject in some unions to discipline by the officers of the national union. Thus the Tobacco Workers provide that if either the label committee or the shop committee permit through neglect of their duties any irregularity, they shall be fined one dollar for the first offense, and two dollars for the second offense; also the local union may be fined five dollars for the first offense and twenty dollars for the second offense.[2] In others the amount of the fine is fixed by an International union rule. The Cigar Makers provide that "any label custodian, officer, or member charged with wrongful issuance of the label shall be fined if found guilty the sum of $50 and forfeit the right of holding any office for a period of twenty years. Any person supplying any labels to a manufacturer or any other party not entitled to the same shall be fined $200 and expelled from the union." The national officers may not only discipline local officials, but they may order the use of the label to be taken away from manufacturers if they are convinced that it is being used in violation of the rules.

The local officials are subject to supervision by the national officials. This is effected usually by a system of reports. The Cigar Makers have adapted their unique system of travelling auditors partly to the end of supervising the work of the label custodian and other local officials having charge of the label. It has been made the duty of these auditors "to examine and audit all books,

[1] Ibid.
[2] Constitution, 1900, pp. 41–42.

minutes and application blanks, containing a reference to the use of the label, make a comparison with the labels received from the International President and the number issued to manufacturers, and count the labels on hand and report the findings to the International President. Whenever deemed necessary they shall examine the revenue book of the manufacturers and compare the same with the labels furnished by the local custodian."

The final stage in the administration of the label is the oversight of the use of the label in the shop. Ordinarily local unions designate in each shop where their members work some member who represents the union, collects dues, and sees that the rules of the union are not violated. These officials go by various names, but are usually known as shop stewards, chairmen, or shop delegates. In practically all of the label-using local unions the shop steward is charged, in addition to his other duties, with the custody of the labels in his shop.[1] It is his duty to see that the proper number of labels are given out and that these labels are actually used on the goods manufactured in that particular shop; also that the conditions under which the label is granted are observed in the shop.

The Sheet Metal Workers, for example, furnish their labels through a "shop steward who must require from employers faithful compliance with all terms of the agreement for the use of the label. He must report any breach of the rules governing the use of the label to the local union or the International, and if he fails to do so shall be fined one dollar for the first offense and two dollars for the second offense. Local unions which fail to report such breaches of agreement to the International Secretary after the case has been reported may be fined five dollars for the first offense and twenty-five dollars for the second offense."[2]

The Garment Workers require the chairman of the cut-

[1] The Hatters require the appointment in each shop of a special official known as the "label steward" who has charge of the issue of labels.

[2] Constitution, 1905, pp. 34–35.

ting shop to count the garments cut and to register on a "label order statement" the number of each kind of garment. The "label order statement" is forwarded to the chairman of the tailoring shop, and he in turn counts the garments; if they tally with the count made by the chairman of the cutting shop, he countersigns this blank and forwards it to the label secretary for the amount of the labels required. The record of the firm as to the amount of work must also accompany this requisition for labels upon the label secretary of the local unions, and the two statements must correspond in every detail. The Shirt, Waist and Laundry Workers give to the shop steward of the making department charge of all labels.[1] This union also provides for the keeping of accurate accounts of the label by the making and cutting departments, and these accounts must tally in the report of the local label secretary to the general secretary of the International union.[2] The Hatters provide that the "label steward" of the finishing room shall distribute the labels, and "where hats are sent out in the rough" the steward shall "furnish a voucher stating the number of hats whether soft or stiff, also quality and color. He shall place the same in a voucher envelope, seal it and address it to the label steward of the factory where the hats are to be finished, said voucher shall be placed in the case or package with the hats. No label shall be given for hats coming into a factory in the rough unless the case or package containing them was first opened in the presence of the label steward of said shop."[3] Label vouchers are not recognized after forty days from date of issue.

Finally, most label unions inflict some penalty upon an employer who violates the rules of the union with regard to the use of labels. The most elaborate of these rules is that of the Cigar Makers, which provides as follows: "Employers agreeing to use the union label and violating any of

[1] Constitution, 1905, p. 38.
[2] Constitution, 1903, pp. 23–26.
[3] Constitution, 1906, Label Law No. 3, p. 34.

the conditions for use shall for the first offense be refused the use of the label until the employer deposits $100 in cash with the union as a guarantee of faithful compliance in the future; but it shall be optional with local unions or joint label committees to return said deposits at the expiration of five years. For a second violation, the use of the label shall be refused for the space of six months and the amount deposited forfeited."[1] "Any member of the union who is a manufacturer and violates any conditions for the use of the label shall be fined for the first offense the sum of $25, payable within thirty days, for the second offense the sum of $50.00 payable within sixty days, and for the third offense a fine of $100 payable within ninety days shall be imposed." The Hatters deprive any manufacturer of the use of the label for thirty days if he violates the label rules. Ordinarily, however, the national union leaves the local union or "joint council" free to withdraw the label or impose a penalty as it sees fit.

In a few unions the attempt has been made to secure the proper enforcement of the label rules by requiring that the labels shall be put on by a member of the union. The Glove Workers provide that the label "must be handled by union employes," and if any doubt arises as to the use of the label, the International executive board may "employ a proper person to take charge of the label or the affixing thereof for a reasonable compensation by the firm."[2] The Tailors require that the label "shall in no case be given to the merchant tailor to affix to the garments unless they are members of the Journeymen Tailors Union. The label shall be attached to the garments by the members making such garments."[3]

[1] Constitution, 1896, 18th edition.
[2] Constitution, 1907, pp. 21–23.
[3] Constitution, amended 1906, p. 41.

CHAPTER IV.

The Financing of the Label.

In the successful use of the trade-union label financial considerations are of prime importance. Trade unions have two methods of defraying the expense incident to the issue of the label. They may either impose some part of the burden upon those employers who use the label, or they may defray the entire expense from the funds of the union. There are accordingly two forms of contracts regulating the use of the label: (*a*) those in which the trade unions assume entire financial responsibility therefor, as with the Cigar Makers, the Hatters, the Brush Makers, the Amalgamated Wood Workers, the Carriage and Wagon Workers, the Journeymen Horseshoers, the Typographical Union, in fact, the majority of American trade unions; and (*b*) those agreements drawn up between the employers and the unions providing for an apportionment of cost between the employers and the unions, as in the case of the Shirt, Waist and Laundry Workers and the Cloth Hat and Cap Makers.

The Shirt, Waist and Laundry Workers until 1909, when they relinquished jurisdiction over the workers engaged in making shirts and waists, charged shirt and waist manufacturers eighty-five cents per thousand for labels, although they did not charge laundries for the use of the stamp with which the label is imprinted on laundry bundles and on new collars and cuffs. The reason for this distinction was that the labels used on shirts are made of cloth and hence are expensive, while the rubber stamps used in impressing the label on collars and cuffs cost in the aggregate very little. Frequent complaints were registered with the union that the manufacturers were cutting the grade of material used in shirts because of the additional expense necessary for the use of the label. The union received from

firms using the label, from August 1, 1903, to July 1, 1904, $2,328.90. From September 1, 1908, to September 1, 1909, $1,337.60 was received from the same source. The Cloth Hat and Cap Makers also charge the employers for the use of their label.[1] The receipts from this source, however, are small, as in the case of the Shirt, Waist and Laundry Workers, but both unions have always been very weak, and even the small sum derived from the sale of labels has been important.

In the majority of label-using unions the national union assesses the cost of the labels on the local unions according to the number of labels used. The practise of thus assessing the local unions to defray the expense of furnishing labels is especially frequent among those unions which have shop cards or which imprint their label from a die or stamp. The Retail Clerks charge ten cents for each store card used. These cards are obtained by the local unions from the International secretary-treasurer upon payment of ten cents per card, and no charge is made by the local unions to the employers for their use. The badge of the association is furnished to the members of the union upon the deposit of fifty cents, and the secretary-treasurer of the national association is instructed to purchase the badges in such quantities "as to furnish them to locals at the lowest possible cost."[2] Similarly, the Barbers distribute their shop cards to the locals "in accordance with the price lists of the International Union."[3] The Sheet Metal Workers furnish their labels at actual cost to the local unions. The shop cards are also furnished "by the General Secretary-Treasurer at cost to all locals in good standing."[4] The Leather Workers on Horse Goods furnish their labels at cost to the locals.[5] The Typographical Union distributes the electrotypes from which its label is imprinted to local unions or

[1] Proceedings of the Cloth Hat and Cap Makers, 1902, p. 5.
[2] Constitution, 1905, pp. 21–23.
[3] Constitution, 1902, pp. 27–29.
[4] Constitution, 1905, p. 34.
[5] Constitution, 1904, pp. 28–29.

subordinate bodies on "receipt by the Secretary-Treasurer of a sum of money not exceeding ten per cent. above the actual cost and distribution of the labels."[1]

A difficulty encountered in charging the local union for the cards or dies is that International control is thus to some extent lost in the administration of the label. Various unions have sought to guard against this by providing in their constitutions that although the local union be required to pay for the card or die, it shall remain the property of the International. The Meat Cutters and Butcher Workmen say in their constitution: "The label is not sold, but loaned, and remains the property of the International Secretary, subject to be returned at his demand or at any time. A charge is made for the use of the same to cover the cost of printing, mailing, etc." Similarly, the Travellers' Goods and Leather Novelty Workers provide that "the stamp label for leather work is to be the property of the International Union, although the locals shall pay the cost for each stamp ordered by them."[2]

The Hotel and Restaurant Employes charge local unions for shop cards and buttons, but the arrangement may be terminated whenever the International union finds evidence of their wrongful use.[3] "All working buttons shall be leased to its members and can be demanded by the International or local at any time." The Union Bar Label and Union House Card "are only leased to locals and shall always remain the property of the International Union." The Painters, Decorators and Paper Hangers similarly provide that "all union labels shall be leased," and that "all labels furnished subordinate bodies shall remain the property" of the national union.[4] The Journeymen Horseshoers, however, exercising practically no International control over their label, will either furnish dies "at a cost of not more than sixty cents each," or they will allow local

[1] Constitution, 1905, pp. 56–58.
[2] Constitution, 1903, p. 13.
[3] Constitution, 1905, pp. 23–24, 26–27.
[4] Constitution, 1908, p. 54.

unions to "have their own labels produced by first securing from the International Union permission to do so," but the local union must furnish the International Union "with the address of the firm they employ to make such labels, also the number of labels they have made, and the number of shops in which the label is used or any information required in the making or use of the label."[1] The same Union is, however, more particular in providing for ownership of the badges or buttons which supplement the label as a mark of union labor. No local is allowed to secure more badges than there are members of the local. "A price not in excess of the cost of the badges (to furnish them) shall be charged to each member who desires to have the badge in his possession, but this cost price must not be construed as a purchase price; as the badge must always remain the property of the International Union."[2]

The success of the label, other things being equal, depends upon the control which the union exercises over it. When the union keeps the label entirely in its own control, it may act with greater freedom in initiating any policy of label agitation than it could under other conditions. Under such circumstances the trade union also is in a position to prosecute more effectively any infringement upon its label. The union demands as to wages, hours of labor, and working conditions of employment are of such primary importance that trade unions are ordinarily disinclined to modify the force of these by injecting financial questions relative to the use of the label. Those unions which may be taken as typical of the labor movement in the United States have accordingly adopted the policy of defraying all expenses incident to the issue of a label.

Those unions which have developed the greatest demand for the label have found it desirable to defray all the expense of printing the label from international funds. Thus,

[1] Constitution, 1907, Art. XXIV, Sec. 2.
[2] The International Horseshoers' Monthly Magazine, May, 1907, p. 31, Sec. 3–4.

the Cigar Makers furnish through the "shop committee man" of each local union labels free of charge.[1] The printing and distribution of the label is borne by the International union and defrayed from the general revenue of the organization, derived from the assessment of thirty cents per week upon each member.[2]

Far more important than the expense involved in making and distributing labels is the expense occasioned by agitation for its wider use. As has been noted in a preceding chapter the greater number, in fact all of the unions except half a dozen, leave the agitation for the use of the label almost entirely to the voluntary efforts of the local unions. The expenditures by the local unions of these international unions undoubtedly aggregate a large sum, but it is impossible to ascertain their amount or distribution.

The national unions which expend considerable funds for label agitation may be divided into two classes. In one, of which the Cigar Makers is the only example, the local unions are given a sum, varying according to the number of members, which they may use for label agitation. In the other the national unions expend directly the funds which they have devoted to advertising the label.

Local unions of Cigar Makers are allowed one dollar per capita on all fifteen and thirty cent contributing members per annum for label agitation by circulars, newspaper advertising, committees, etc., in their respective districts.[3] The salaries of the organizers of the International union, part of whose duties it is to increase the use of the label by delivering free lectures, are defrayed directly by the International union. The Cigar Makers have even considered increasing the tax upon members for the advertisement of the label. In 1906 it was proposed to assess each member one dollar and fifty cents per year for this purpose alone,

[1] Constitution, 1896, 14th ed., pp. 39–44.
[2] Ibid., sec. 70.
[3] Constitution, 1896, 14th ed., p. 165.

and to use the one dollar per capita tax also.[1] The Cigar Makers occasionally levy extra assessments to meet the demands of special occasions. An assessment of ten cents per member was levied, yielding a total of $4190.39, for advertising the label at the Lewis and Clark Exposition.[2]

Some local cigar makers' unions, in addition to the financial aid given by the national association, levy assessments for label agitation, either in connection with the work done by the national union or independently. Local Union Number 97 of Boston in 1906 assessed each member $6.20 per annum for this purpose, netting $12,400 per year. With the one dollar per capita tax from the international fund, a total of approximately $15,000 has been spent annually by this organization in advertising the label.[3] The one dollar per capita allowance from the international fund for label agition fails to secure good results in the case of small locals, whose small membership produces only an insignificant fund for this purpose. In such districts the unions rely chiefly on the efforts of the International, although occasionally such unions by means of an additional tax raise a sum sufficient to make an effective campaign.

The following table shows the expenditures of the local unions of Cigar Makers as far as they are covered by the regular assessment levied by the International Union:

Year.	Expenses of Label Agitation.
1892	$ 5,004.51
1893	6,624.84
1894	24,528.01
1895	26,306.12
1896	22,699.28
1897	25,363.36
1898	27,379.71
1899	28,440.16
1900	31,383.67
1901	38,563.85
1902	39,394.27
1903	44,339.82
1904	43,796.13
1905	41,724.29
1906	41,657.70
1907	42,296.71
1908	41,497.03
1909	39,791.94

[1] Cigar Makers' Journal, February, 1906, p. 3. The blue label

The other class of unions, as was noted above, expend directly for advertising their labels, leaving the local bodies to cooperate to the extent that they see fit. The unions which thus disburse considerable funds are the Garment Workers, the Typographical Union, the Shirt, Waist and Laundry Workers, and the Boot and Shoe Workers.

The total income of the Garment Workers for 1904 was $179,833.46; of this amount $51,264.75 was used for advertising, including the expense of a program of street-car advertising which proved a disastrous failure[4] and led to a sharp reduction in the expenditures for label agitation. In 1907 the convention ordered a tax of three cents weekly for the specific purpose of label agitation. The union in 1908 had seventeen men on the road as label agitators and organizers, whose salaries were paid from this fund. The revenue of the Garment Workers in 1908 was only about one half of what it was in 1904, and the expense of label agitation cannot be separated since it is included in such items as advertising. In the fiscal year 1907–1908, the last for which reports are available, in a total expenditure of $87,000 the following items occur: advertising, $5,329.52; legal expenses $2,365.79; organizing, $33,768.27. A very large part of this expenditure—about forty per cent. of the total income of the union—was directly for the purpose of label agitation.[5] The same proportion, viz., forty per cent. of the total income of the union is devoted to this purpose.

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leagues occasionally devise financial schemes of their own. The New York Label League derived its revenue from a tax of five cents per month per member of all the unions affiliated. Cigar Makers' Journal, June, 1893, p. 9. The Nebraska Blue Label League secured money for label agitation from assessments of ten cents per month per member. This amount included, however, the one dollar per capita per member allowed local unions out of the general fund. Each local union affiliated held such money for label agitation as a separate fund, subject to the call from the secretary of the League, wherein was stated the purpose for which the money was to be expended. Cigar Makers' Journal, March, 1894, p. 10.

[2] Cigar Makers' Journal, May, 1906, pp. 6–7.

[3] Cigar Makers' Journal, March, 1906, p. 7.

[4] Proceedings of the United Garment Workers, 1904, p. 58.

[5] Proceedings of the United Garment Workers, 1908, p. 9.

The Shirt, Waist and Laundry Workers levied in 1906 a per capita tax of fifteen cents weekly for the "general and strike fund." Two and one half cents of this fifteen cent weekly assessment was used for agitation of the label. This union spent in 1906 and 1907 for label agitators and advertisements of the label from $4500 to $5000 per annum.

The Boot and Shoe Workers in 1899 raised their dues from ten cents to twenty-five cents, one result of which was a more systematic advertisement of the label.[1] In 1909 the revenue of the union was at the rate of $250,000 annually, making possible a vigorous advocacy of the label. From August 1, 1907, to May 21, 1909, the following sums were expended in advertising the label:[2]

Display boards	$35,986.86
Daily newspapers	22,608.95
Trade union papers	20,295.24
Shoe trade papers	8,717.64
Blotters	3,207.25
Circulars	2,247.80
Buttons	2,632.35
Tapes	7,658.91
Moving picture show	10,887.34

During the same period the sum of $33,610.67 was expended in the salaries of organizers who were chiefly engaged in promoting the demand for the label on shoes. Altogether, therefore, in the fiscal period under review the sum of $150,000 approximately was expended in the label propaganda of the union, or about thirty per cent. of the entire expenditure of the union.

Until recently the Typographical Union has, as has been noted above, left the propaganda for the label entirely to the local unions. Since 1907, however, an increasing sum has been spent for this purpose by the national union.

[1] Proceedings of the Boot and Shoe Workers, 1907, p. 24, President's Report.

[2] Proceedings, 1909, p. 48.

From June 1, 1907, to May 31, 1908, $7,844.51 was thus expended.[1]

The legal questions raised in connection with the label are of some financial importance. The unions must be continually on guard against all cases of infringement. The Cigar Makers,[2] Sheet Metal Workers,[3] and Tobacco Workers[4] allow local unions "a sum not to exceed twenty-five dollars in addition to attorney's fees, for committee work in the prosecution of counterfeit label cases." The Print Cutters empower the national executive council to pay "a suitable reward to any person giving information of the illegal use of the label."[5]

In 1887 the Cigar Makers allowed the general executive board $5000 per annum to prosecute all cases of infringement upon the label. The following table shows the amount expended by the Cigar Makers in attorneys' fees for prosecuting label cases for each year from 1892 to 1909:

Year.	Attorney's Fees.
1892	$6328.00
1893	3815.25
1894	2336.44
1895	3093.85
1896	2670.70
1897	985.70
1898	1823.28
1899	1201.41
1900	1991.70
1901	1397.28

[1] The forms which this expenditure took were as follows:—

Circulars, cards, booklets, etc.	$ 672.25
Blotters and stickers	2449.25
Miscellaneous advertising	50.50
Clerical and stenographic work	229.75
Postage stamps and stamped envelopes	1487.93
Special organization work	113.98
Printing for and services and expenses of organizer	217.60
Colored plates and pictures of home	1804.20
Expressage and freights	819.05
	$7844.51

See Report of the Secretary-Treasurer to 54th session, 1908, p. 75.

[2] Constitution, 1896. 14th ed., pp. 39–44.

[3] Constitution, 1905, pp. 34–35.

[4] Constitution, 1900, pp. 41–43.

[5] Constitution, 1904, pp. 11–12.

Year.	Attorney's fees.
1902	2407.81
1903	2943.39
1904	3316.67
1905	4007.12
1906	1087.00
1907	2051.05
1908	1066.95
1909	2474.33

CHAPTER V.

The Use of the Label.

When the trade-union label was introduced, the conditions under which its use was to be granted were naturally not well settled. Each local union prescribed to a large extent its own conditions, and it has been only gradually that a certain agreement in policy has been reached. The history of the Cigar Makers' label will afford an illustration. Under the rules promulgated in September, 1880, and shortly thereafter, the labels were not to be used on tenement-house work, nor on work done at home in the evening since such work was regarded as essentially tenement-house work. The label was not to be placed on the work of apprentices since the legend on the label declared that the cigars were made by a first-class workman.[1] Finally, and most important, the label was to be used only on the work of unionists. If an employer hired both unionists and non-unionists, he must keep separate the goods made by the unionists in his employ.[2] Under these rules the local unions were left free to say on what terms they would allow an employer the use of the label. A local union might thus refuse to allow its members to work with non-unionists and so deny the use of the label to open shops.

Within a few months after the introduction of the Cigar Makers' label, propositions were made looking to the restriction of the use of the label to closed shops, and in 1883 this became a national rule. Labels have since then been furnished only to "strictly union shops." Under the policy thus formulated labels can be used only in union shops, i. e., in those shops which comply with all the working

[1] Journal, April, 1881, p. 3.
[2] Journal, October, 1880, p. 9.

rules of the local and national union and employ only members of the union.

The plan of restricting the use of the label to union shops has been adopted by all the label-using unions, and is the one requirement that is now universal. The Carriage and Wagon Workers require the shop to be "closed," and further state that the label shall not be used on any work unless "the same has been constructed in its entirety by members of the Carriage and Wagon Workers' International Union."[1] The Glove Workers in their stamp agreement contract to fill the places of any employes who shall be discharged for failure to abide by the provisions for arbitration or who shall be expelled from the union. In this way the union maintains the "closed shop," and also obligates itself to prevent any loss to the manufacturer because of lack of workmen.

The unions provide ordinarily with great detail that the piece of work must be made throughout in a union shop. The rules of the Hatters will serve as an illustration: "No manufacturer shall be allowed the use of the label that has a plank shop and buys his roughs in one shop and has them shaved, second sized, stiffened and blocked in his own shop. No manufacturer shall be allowed the use of the union label who has a plank shop and buys hats in the rough."[2] The Coopers provide that "on material and parts of tanks and vats made in a union shop and shipped to another locality an ink stamp shall be placed on each bottom and at least one stave for each tank or vat when it leaves the shop and if such material is set up or put together by members of the C. I. U. the tanks or vats shall be stamped in the regular way when finished."[3] Such rules, however, apply only to the work over which the particular union claims jurisdiction, and in the case of some unions not even to that extent. The Boot and Shoe Workers, for

[1] Constitution, 1906, pp. 15–16.
[2] Constitution, 1906, p. 43.
[3] Constitution, 1906, p. 14.

example, allow an employer to use the label although he has certain parts of the shoes made in non-union plants. The president of the union in 1906 thus defended this policy:

> We still continue to meet members who contend that any given commodity is not union made unless all the various materials entering into its construction are made under union conditions. It would be so manifestly impossible to make any union commodity measure up to this standard, that it seems a waste of time to argue this self-evident proposition.
>
> In our trade, we have jurisdiction over persons employed in the making of heels, counters, facings, etc., etc., and because this jurisdiction lies with our organization, some of our members insist that such supplies should be made under union conditions when used in the production of union stamp shoes.
>
> We have made many and extraordinary efforts to organize the workers on shoe trade supplies above mentioned, but without any substantial success.
>
> We can find manufacturers of shoe trade supplies who would be willing to organize their plant and use our label, providing we declare that union shoes shall not be made unless the supplies used shall be union made. This would furnish such shoe trade supply manufacturers with a practical monopoly if such a condition could be established; but I venture the assertion that they would quickly abandon their desire for the label on their supplies if it were found that manufacturers of shoes under this arrangement discontinued the union stamp and operated open factories in which this restriction would not be required.
>
> We have said times without number that shoe manufacturers using the union stamp cannot be induced, not even through the value of the union stamp as a trade factor, to place themselves at a disadvantage in the market when purchasing shoe trade supplies; nor are they disposed to recognize a condition of this kind which will permit shoe supply manufacturers to exact an extra price in consideration of using the union stamp. We believe we are less able today to furnish union shoe trade supplies than we were at either the Detroit or Cincinnati Conventions, as notwithstanding our increase in membership, we have diminished in the number of persons employed on shoe findings, while during the same period we have gained in the number of members employed in the union shoe factories.
>
> I see no altenative but to wait in the hope that with the general improvement in the degree of organization in the shoe trade a proportionate number of the shoe trade supply workers will be secured, and that eventually, the use of union made supplies will be possible.[1]

The plan of confining the use of the label to shops which employ only unionists and observe all local and national rules results in making the union label stand for observance of union rules. It follows, therefore, that to describe the

[1] Proceedings, 7th convention, 1906, p. 22.

conditions for the use of the label would involve the description of all the various rules of the label-using unions. Such a task is beyond the aim of the present writer. But it is essential to bear in mind that the label stands primarily, not for any particular set of conditions, but for those conditions which the unions of each trade have found it possible and desirable to establish. In many unions these conditions are by no means uniform in all the local unions, and in no union are they entirely so. The shop card of the Barbers may be granted in Milwaukee on quite different conditions of employment from those on which it is granted in Louisville. In certain local unions where the administration of the national organization is weak the label is granted loosely. In some unions a system of national rules is in vogue, and where this is the case there is greater uniformity in the conditions for granting the label. It may be accepted, however, as a well settled principle among all the chief label-using unions that the label is granted only to those shops which observe union conditions as fixed by the local and national union and which employ only unionists. If a local union permits its members to work in open shops the national union will not ordinarily interfere, but the local union cannot allow such an employer the use of the label.

But the rule that labels shall be used only in union shops is the minimum requirement, and in those unions in which the label has become a larger factor a distinction is made between label-using union shops and other union shops, and extra conditions are imposed by the national union upon the latter. There are thus two classes of union shops, those shops regarded as such by the national union, and those regarded as such by the local union. The first class consists of the shops entitled to the use of the label because they obey certain national regulations, the second class consists of shops regarded as union shops by the local union. The matter may be made clearer by an illustration. The Barbers do not attempt to regulate by a national rule the number of apprentices in union offices, but they do re-

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quire that "no shop displaying the union-shop card shall be allowed more than one apprentice at any one time." A local union may by its apprenticeship rule allow apprentices at the ratio of one to four, and a shop of twelve journeymen may have three apprentices and be in good standing with the local union, but it cannot have the union shop card. The members of the local union may work there and the proprietor may observe, as he will be required to do, the other union regulations, but to get the label he must reduce the number of his apprentices.[1]

The greater part of these exceptional requirements for the use of the label group themselves around the following subjects: (*a*) wages, (*b*) sanitary regulations, (*c*) use of labor-saving devices, (*d*) hours of labor, (*e*) quality of product, (*f*) the requirement that certain classes of workmen shall be unionists, (*g*) the requirement that the employer shall unionize all his shops if he operates more than one, and that he shall not sell his goods to a manufacturer who does not use the label, (*h*) the one-man shop.

(*a*) *Wages.*—Comparatively few of the national trade unions in the United States fix a national minimum rate. Ordinarily the local unions may set any rate they see fit. Several of the more important label-using unions do set, however, a minimum rate for those shops which wish to use the union label. It is felt that the label is a national device and that local unions should not be allowed to exploit it. Thus the Cigar Makers provide that "in no case shall the union label be used in a factory in the United States which pays less than $7.00 per thousand and not less than $1.00 for packing per thousand and in Canada which pays less than $6.00 per thousand for mold work—5 molds of

[1] Many of the rules laid down for the use of the label in the rules of the unions are not extra requirements, but merely iterations of national rules which apply to all union offices. Thus the Barbers, who do not admit women to membership and allow the use of the shop card only in union shops, provide expressly that "no shop card shall be issued to or displayed in any shop where females are engaged as barbers." Constitution, 1909, p. 32.

20 bunches."[1] The Hatters provide that no shop shall be considered fair or entitled to the use of the union label unless the average wage of union members is at least three dollars per day.[2]

The Wood Workers in 1900 complained of the local rules whereby the label of the association was allowed to be used by firms which paid different rates of wages in different branches of the industry, and they also complained because the same rate of wages was not paid for the same kind of work in different cities. There was a total lack of uniformity in wage scales throughout the entire trade.[3] In

[1] Constitution, 1896, 18th edition, p. 41. The reasons which led the Cigar Makers to adopt this rule were set forth by the president of the union in his address to the convention of 1896 as follows: "While conditions brought about by the prevailing adverse trade conditions should not be used as a criterion upon which to ground legislation for future control and regulation of the label, still the depression has developed a certain use for the label which I am convinced its framers and promoters never contemplated nor intended. Considerable complaint is heard from sections that are well organized and have a fair bill of prices—in effect that cigars bearing the label are sold in their midst at prices considerably below the prevailing market prices for similar goods.

"I have no hesitancy in asserting that several delegates here present are primed with complaints of this nature, and feel confident that this fact will be fully developed in the debates which will be heard when our deliberations shall have reached the subject of labels. However, I am convinced that a common ground must be found as a result of your combined wisdom, and needed legislation adopted that will have a tendency to minimize the evil, or else the label will fall into disrepute, and become a stumbling block instead of a help in the process of promoting and completely organizing the craft. As one means of rectifying the abuse, I recommend to your serious consideration the advisability of fixing a minimum price below which no cigars bearing the label shall be sold; and also legislation that will have the effect of absolutely proscribing the use of the label on cigars that are made in 'turn in' shops, subsidized factories, or rooms that are used as living apartments, leaving its economic value as a weapon to advance the standard of life for our trade, and its natural use entirely out of the question, and it can be safely stated that we have a moral and just right to so regulate its use that it shall not operate as a detriment or injury to one section, even though at the same time it be an alleged benefit to another section of the country. The label must be confined to its legitimate use. Any attempt to make it carry an inferior quality of cigars, or to further the ulterior interests of any individual or class must ultimately fail, and should at all times be discountenanced." Report of President to the Twenty-first Session, 1896, p. 21.

[2] Constitution, 1906, p. 24.

[3] Proceedings of the Amalgamated Wood Workers, 1900, p. 20.

1903 this union recognized a distinction between the work done in factories making sash, doors, and blinds and those factories engaged in the manufacture of saloon, office and bank fixtures. In the former factories twenty-five cents an hour was established as the minimum wage for both machine and bench men, and in the latter, twenty-two and a quarter cents per hour, with time and one half for overtime in all branches of the trade.

Another provision looking to the same end was made originally by the Cigar Makers and has since been adopted by the Piano and Organ Workers. It was as follows: "Manufacturers, their agents or representatives operating a shop or shops in any locality, establishing a shop or shops in any other locality shall not be allowed the use of the union label unless at least the same rate of wages, provided the new place has a lower rate of wages, is paid in the newly established shop or shops that prevail in the original shop or shops. Manufacturers, their agents or representatives shall not be allowed the use of the union label unless at least the same rate of wages shall be paid in the shop or shops of the former as is paid in the shops of the latter."[1] Here there is to be noted the feeling that a firm of manufacturers having built up a trade in a city where the scale is high should not be allowed to go afield to a cheaper manufacturing center.

In a few unions only those local unions which require the payment of at least a certain specified rate are allowed the use of the label. Here the distinction is not between label and non-label shops, but between certain classes of unions. For example, the International Typographical Union will not allow a local union to issue the label to any employer if the minimum weekly wage for any class of employee provided by its scale is less than $12.

(*b*) *Sanitary Regulations.*—The Garment Workers provide in a general way that "all sanitary rules shall be ob-

[1] Cigar Makers' Constitution, 1896, 18th edition, p. 43; Piano and Organ Workers' Constitution, 1904, p. 24.

served in each shop using the label."[1] The label is not granted to any firm to be "placed upon the whole or any part of its product if said firm cuts, trims and makes clothing under the contract system."[2] Similarly, as has been noted above, the Cigar Makers do not allow the use of their label on cigars made in tenement houses.

(*c*) *Use of Labor-saving Devices.*—The Cigar Makers since 1893 have provided that "no union shall be allowed to furnish the labels for cigars made in whole or in part by machinery."[3] The Garment Workers will not allow the label to be issued to any firm using "perforated patterns in the cutting department."[4] Until recently the Coopers would not allow the label to be placed on "beer and ale work" if made by machinery. The union controlled to a considerable extent this class of work though the demand from unionists.[5]

(*d*) *Hours of Labor.*—In 1903 the Travellers' Goods and Leather Novelty Workers provided that "on and after July 1st, 1904, the label will be granted only to firms where the nine hour day has been adopted."[6]

(*e*) *Quality of Product.*—The Cigar Makers provide that the label shall not be "allowed on any cigars sold for less than $20.00 per thousand. This shall not debar local unions from establishing a price above $20.00 per thousand."[7] The Hatters provide that all members "having anything to do with the passing of hats after they are finished shall destroy all labels that may be found in rejected hats that will be sold to buyers of knock-downs."[8]

(*f*) *The Extension of the Union's Jurisdiction.*—In some trades there are certain classes of workmen as to whose proper inclusion within the union employers and unionists differ. The national union may not be desirous of compel-

[1] Constitution, 1908, p. 24.
[2] Ibid., p. 25.
[3] Constitution, 1893, p. 34.
[4] Constitution, 1908, p. 26.
[5] Constitution, 1899, p. 34.
[6] Constitution, 1904, p. 13.
[7] Constitution, 1896, 18th edition, p. 42.
[8] Constitution, 1906, p. 43.

ling local unions to insist on such inclusion. The label offers the means of introducing such a policy in some of the shops at least, with the least friction. An illustration may be drawn from the rules of the Cigar Makers. One of the aims of the Cigar Makers is to bring into the union the packers who place the cigars in the boxes. They have since 1898 made the label contribute to that end by providing that unless the packers in any particular shop are unionists the label may not be used. Similarly, the Coopers, who are now intent on bringing into the unions the operators of cooperage machines, provide that labels shall be furnished only to "strictly union shops," and that no shop shall be considered a strictly union shop unless all coopers and machine operators employed are members of the Coopers International Union.[1]

(*g*) *The Unionizing of Other Shops.*—The most frequent of the extra requirements placed upon the use of the label are those which require an employer conducting more than one shop to unionize them all if he wishes the use of the label in one.

The Hatters refuse the use of the label to an employer who conducts a union shop if he also conducts a non-union shop.[2] The Broom Makers do not allow any manufacturer to use the label "who directly or indirectly deals in brooms or whisks manufactured in state, county, municipal, private, charitable or penal institutions."[3] The Travellers' Goods and Leather Novelty Workers similarly provide that "manufacturers operating more than one shop shall not be allowed the use of the label unless all shops operated by such firms are strictly union shops."[4] The Piano and Organ Workers have a similar provision.[5] The Coopers provide less broadly that "manufacturers or their representatives operating more than one shop in the same locality shall not be allowed the use of the stamp unless all

[1] Constitution, 1906, p. 13.
[2] Constitution, 1906, p. 43.
[3] Constitution, 1904, p. 32.
[4] Constitution, 1903, p. 13.
[5] Constitution, 1904, p. 24.

shops operated by the firm or its representatives are union shops.[1] A similar rule is that of the Coopers providing that no union shop shall be allowed to place the stamp on cooperage to be sold to non-union cooperage firms. In the same way the Cigar Makers will not permit a manufacturer to use the label if he sells cigars to a manufacturer "who is put on the unfair list or any agent or representative of such firm."

Such rules are intended to force a manufacturer who wants the use of the label on part of his product to unionize all his plants. It is also urged that since the name of a manufacturer is frequently well known, customers knowing that some of his goods bear the label may infer that all of his goods are union made. The latter purpose is responsible for another rule of the Cigar Makers: "Where the manufacturer deals in Chinese, tenement house or scab cigars, it shall be optional with local unions to withhold the label from such firm. It shall be optional with local unions to grant the union label to any manufacturer or firm whose name or firm name appears in or about the box containing Chinese, tenement house or scab cigars, or whose name or firm name appears on or about such non-union cigars." Even more to the point is the rule that "no brands of cigars made in both union and non-union shop shall be allowed to bear the union label."[2]

(*h*) *One-Man Shop.*—It happens that in several of the more important label-using unions there are large numbers of small shops, some of them so small that the proprietor is the only workman. It has always been a difficult question whether small shops and especially "one-man shops" should be allowed the use of the label. Obviously, no union can force an employer to pay himself a fixed rate. If, however, the union allows the small employer the use of the label, it makes it possible for the wage rate to be readily cut. The small employer sells his product, and to the extent that his own labor is embodied in it he may sell his

[1] Constitution, 1906, p. 13.
[2] Constitution, 1896, 18th edition, p. 43.

labor at any rate he pleases. The union cannot fix a price for the product. The enforcement of other rules, such as those regulating the hours of labor, is also very difficult in such shops. If a union grants the label freely to shops of any size, the label may become in those industries in which the advantage of large scale production is less pronounced merely a means for perpetuating the small shop.

On the other hand, such unions have been strongly averse to depriving the small employer, even the owner of the one-man shop, of the label. In the first place, the small proprietor is usually or frequently a member of the union. There is a strong feeling that he ought to be aided in his attempts to rise into the employing class. Moreover, the small shops can be made dependent on the union by granting them the label, and in case of a strike in the larger shops the expansion in the demand for workmen in the small shops is of great service to the union.

The union which has been most concerned with the one-man shop has been the Cigar Makers.[1] In April, 1881, the Aurora, Illinois, local union of the Cigar Makers' International Union presented to President Strasser the following question: "Is a cigar maker a union member in good standing, who starts in business for himself without employing any workman, entitled to use of the label?" The president decided that if a cigar maker, working for himself, had a retiring card, he was entitled to the use of the label provided he did not act against the rules of the union.[2] In 1881 the same policy was formulated in two rules: "Cigar makers who may be manufacturing for themselves, and who employ no hands shall be allowed the use of the union label, but they shall be required to pay the cost of the labels received. Such cigar makers as hold no retiring card can upon payment of $10, receive the same by a vote of the local union." "In shops employing only union members in which the employers or foremen

[1] See below, p. —, for an account of the policy of the Typographical Union.

[2] Journal, May, 1881, p. 1.

work at the bench, the union may allow the use of the union label on all cigars made."[1] In 1886 a two-thirds vote was required for the granting of the union label to cigar makers not holding a retiring card, and since 1890 labels have not been issued to one-man shops unless the manufacturer holds a working card. More recently, local unions have been empowered to refuse to grant the use of the label to a manufacturer not employing any journeymen if he has not been a member of the union for at least one year. In 1909, therefore, the policy of the union toward small shops may be summarized as follows: One-man shops may have the label, but the manufacturer must be an active member of the union. In larger shops the label may be placed on the work of the employer if he employs only union workmen and does not "work more than eight hours per day."[2]

The Hatters will not grant the use of the label to a shop which does not employ at least one member of the union in good standing.[3] The Glove Workers require that a label shop must have in its employ two or more members of the union.[4] The Hotel and Restaurant Employes permit local unions to grant the label to any proprietor who is a passive member (i. e., who has once been a member of the union and has become "passive" because he has become a proprietor) provided he employs none but unionists when he needs extra or regular help.[5] The Brush Makers require that one journeyman must be employed "all the year round" if a shop is to be granted the label.[6] The Retail Clerks permit local "unions at their discretion to issue the International Store Card to small dealers who do not employ any clerks, but who do observe the closing hours demanded by the local."[7]

[1] Constitution, 1881, p. 19.
[2] Constitution, 1896, 18th edition, p. 42.
[3] Constitution, 1906, p. 43.
[4] Constitution, 1907, p. 22.
[5] Constitution, 1909, p. 25.
[6] Constitution, 1905, p. 26.
[7] Constitution, 1903, p. 38.

CHAPTER VI.

The Demand for the Label.

The efficiency of the label as a device for establishing and maintaining union rules depends upon the exent of the demand which the label commands. The present chapter embraces a description of the methods of creating a demand for the label adopted by the more important label-using unions, an analysis of the elements influencing the demand for the label, and finally an estimate of the quantitative demand for the label in the few trades as to which such information is accessible.

Differences in the methods used in creating a demand for the label are chiefly due to differences in the classes of consumers whom it is hoped to reach. Especially in the early stage of the label movement the label was regarded as an appeal not merely to unionists, but also to the entire consuming public. The "white label" of the San Francisco Cigar Makers derived whatever force it possessed from the widespread opposition to Chinese labor. The International cigar makers' label also represented in 1883 opposition to the tenement-house system, which has always been strongly reprobated by many besides unionists. The Cigar Makers, therefore, could make a forcible appeal to the general public. Moreover, since the sanitary conditions were very bad in the tenement houses, the ordinary consumer could be appealed to on the ground that if he bought cigars without the label he was running the danger of infection. The Cigar Makers made much therefore, of the claim that the union label is a guarantee that the cigars were made under cleanly surroundings and that they were made by skilled workmen. The Garment Workers have always laid great stress on the claim that the goods on which their label is placed are made under sanitary con-

ditions. The Can Makers claimed that machine-made cans caused injury to health. The Boot and Shoe Workers rely partly upon the disinclination of the general public to purchase prison-made shoes.

Since in all these cases the label carries with it a significance over and above the mere fact that it is a mark of goods made under union conditions, the unions have attempted to reach the public at large by the ordinary channels of advertising. The Cigar Makers and the Boot and Shoe Workers use considerable quantities of bill-board advertising, and the Garment Workers, when they were financially stronger, spent large sums in magazine and streetcar advertising.

But the union label has come, as has already been indicated in another connection, to be more and more merely an appeal to unionists. It has not been found possible in many cases to stimulate a strong demand for label goods among non-unionists. Tenement-house labor is a lessening factor in the cigar and garment trades. The consumer not affiliated in some way with the trade union movement does not show great enthusiasm for a label which stands simply for union versus non-union conditions. More and more, therefore, the policy of agitation for the use of the label has come to be to increase and to intensify the demand among unionists for label goods, to make it a part of the creed of trade unionism that a unionist should buy union-made goods, or patronize only union shops. As a result the methods of creating a demand for the label have come to be more and more narrowly connected with the organs of publicity within the unions. Advertising in the trade-union journals, and the personal appeal to local unions and to conventions of national unions by agents of label using unions yield better results than newspaper or magazine advertising.

In the development of methods of creating a demand for the label as in the administration of the label there has been shown a strong tendency toward some central control. This has naturally manifested itself chiefly in those unions whose

products have the widest markets. The Cigar Makers during the early years of their organization entrusted the propaganda for the use of the label entirely to the local unions. From 1885 the president or the executive board of the Cigar Makers was authorized to levy upon each member of the union a sum not to exceed twenty-five cents per year. The sum thus realized, rarely amounting to more than $5000 per annum, was applied by the national officials to advertising the label. It was assumed that the local unions by special assessments would provide for a local campaign. In 1889, however, the president of the Cigar Makers in his report to the eighteenth convention lamented the lack of any continuous policy of label agitation on the part of some of the locals, and in 1891 the convention ordered that the twenty-five cent assessment should be retained by the local unions. In 1893 each local union was allowed annually one dollar per capita from the general fund to be expended in advertising the label. The general officers also spend funds for advertising in one form or another.[1] In general, however, the Cigar Makers rely upon giving each local union a specified sum, since they believe that local agitation is most effective. The Garment Workers, the Hatters, the Boot and Shoe Workers, the Jewelry Workers, and the Butcher Workmen carry on the label propaganda almost entirely through the national organizations.

The remaining unions rely almost entirely on the local unions to create a demand for the label, although there is a growing tendency even for those unions whose products have only a local market to aid in advertising the label. The Typographical Union furnishes an illustration. The change in the policies of that union has been described by a recent writer as follows:[2]

"Until very recently the task of increasing the demand for the label was imposed entirely upon the local unions. Although the International officers from 1894 to 1900 repeatedly advised that con-

[1] For an account of the expenditures, see above, p. 46.

[2] Barnett, G. E., The Printers, A Study in American Trade Unionism, pp. 275–276.

siderable sums should be spent in advertising the label, the session steadily refused to expend International funds for that purpose. In 1901 President Lynch began systematic efforts to incite the local unions to a more active propaganda for the use of the label, and instructions and plans for advertising the label were furnished. The interest thus aroused led the session of 1903 to authorize the executive council to devise a plan for a "national label fund"; but, in view of other increases in expenditure at the time, the council believed that it would be unwise to present to the membership a proposal for an assessment for a label campaign. The first large International expenditures for the label propaganda were made during the strike for the eight-hour day in 1905–1907, when the local unions were furnished with enormous quantities of printed slips known as "stickers." These were distributed to members and other interested persons, who were asked to attach one to any piece of printed matter without the label which came into their hands, and to return it to the issuer. On the "sticker" was a notice that the piece of matter to which it was affixed was returned because it did not bear the label. The session of 1907 indorsed the action of the officers in thus inaugurating an International propaganda; and in 1908 the International president was authorized to employ a label agent who should devote his time to the campaign."

The creation of a demand for label goods does not depend solely upon the efforts of each union to advertise its own label. In some cases the unions have combined in efforts to stimulate the demand for label products, the most notable of these combinations being the "label leagues" which have been formed in many sections of the country. The first of these was formed in Denver in 1903, and by 1907 such leagues, composed of representatives from the local unions in each city, were in operation in some ten cities, and in the same year the American Federation of Labor recommended the organization of leagues wherever possible. Since about 1901 Women's Label Leagues have been organized in various cities. The membership of these leagues is limited to women trade unionists or the women relatives of trade unionists, and their appeal, like that of the label leagues, is directed primarily to the trade-union consuming public. In 1903 these women's leagues were organized into the Women's International Union Label League, and on several occasions the American Federation of Labor has urged the local leagues to affiliate with the International League.

The Consumers' League movement may be considered an

aid to the union label propaganda in that it has tended to spread the idea that the consumer should direct his purchase in such a way as to better industrial conditions.[1] The label of the league is placed only on women's wearing apparel. The Ladies' Garment Workers on several occasions have complained that the label of the league is given on conditions not satisfactory to that union. In 1903 President Gompers of the American Federation of Labor said in his annual address: "In connection with this question of labels should be mentioned the fact that in some cities some well meaning, philanthropic ladies have organized consumers' leagues. These leagues were originally intended to be helpful to securing amelioration in the condition of some of the working people. Lately some of these leagues have issued a label to employers simply because the sanitary conditions in which the employees work were improved, and these labels issued without regard to any consideration as to wages, hours, and other conditions of employment, and in some instances in rivalry to the union label of the organization of the craft."[2] More recently, however, the relations of the Consumers' League and the Ladies' Garment Workers have improved, and at present there seems to be no friction.

The methods of advertising the label are, of course, numerous. Perhaps the most effective has been the insertion of facsimiles of labels in the trade-union journals. Practically every national union has its journal, and as a rule these journals sell space at very low rates. The Hatters and Cigar Makers have made much use of illustrated lectures in their label propaganda. Special lecturers give their entire time to this work. Souvenirs and novelties of many kinds have been used as advertisements by some of the unions. The Hatters have at times given away appropriately marked pencils, calendars, and buttons. The

[1] "The use of the label," says the Industrial Commission, "is increased by consumers' leagues and like organizations among women. The price of the article may be increased but the demand among the better sort of trade keeps pace."

[2] Proceedings of American Federation of Labor, 1903, p. 22.

Boot and Shoe Workers have given away thousands of tape lines. The Cigar Makers use match boxes and cards for the same purpose. In 1908 the Boot and Shoe Workers sent out a moving picture show to advertise their label.[1] In labor parades floats representing some particularly obnoxious form of competition such as prison labor or tenement-house work in a particular trade, and presenting facsimiles of the label of the union, are frequently employed by these unions for the "education" of the public.

There are, of course, many unusual and curious advertising schemes for increasing the demand for the label. The Western Laborer of Omaha and the Union Label and Home Industry League of that city, for example, offered to publish lists of all merchants handling union-made goods, of the articles in stock, and the prices. Some manufacturers have assisted the unions in advertising the label. The immediate purpose has usually been to create a market for the goods of the manufacturer by associating his name intimately with the union label. It has also occasionally happened that a manufacturer has offered to pay a percentage to the union whose members collected union labels by buying his goods.[2]

It has been proposed that the trade unionists, irrespective of occupation, should be organized by wards. The members of the different unions would thus be brought together for discussion primarily as to the best means to be employed in advertising the label. All matters of political nature are to be avoided at such meetings.[3] It is believed by the advocates of this plan that such organizations would

[1] The president of the union in his address to the convention of 1909 said: "We have since the last convention maintained a picture machine show constantly on the road during the fall, winter and spring months. This company consists of an advance agent, a lecturer, a picture machine operator, vocalist and musician. This company has covered the principal cities and towns in the states of Illinois, Wisconsin, Minnesota, Iowa, Ohio, Pennsylvania, Georgia, Tennessee, Louisiana, and Texas."

[2] Proceedings of the Travellers' Goods and Leather Novelty Workers, 1903, p. 24.

[3] The Weekly Bulletin of the Clothing Trades, November 10, 1906, p. 8.

bring to bear great pressure on local merchants to sell only label goods. This proposal has never been seriously considered because the interest in the label is not strong enough to afford the basis for such an organization as is contemplated. The plan of establishing cooperative stores where only union products should be sold was proposed at the convention of the Boot and Shoe Workers in 1896. The committee reported unfavorably, but again at the convention of 1897 the same plan was urged. The convention, however, rejected it by a large majority.

The unions have not confined themselves to arguments, but have developed coercive methods for increasing the sale of label goods. The Boot and Shoe Workers, for example, fine any member purchasing shoes without the union stamp or any other commodity without the union label, whenever it can be procured. The Hatters in the convention of 1900 resolved to fine every one of their members five dollars who should purchase a non-union cigar. They at the same time authorized the levying of a fine of five dollars upon anyone buying "any head covering that did not have the union label." Similar rules may be found in many of the national unions and in hundreds of local unions. That they cannot very well be enforced does not prevent their enactment. It is argued that such rules bring home forcibly to the members their obligation to buy union-made goods. Another form of the same idea is found in the rule adopted by the Retail Clerks in certain cities, particularly in Ohio, Pennsylvania, and Illinois, where the Clerks are better organized, that each union clerk shall be fined for selling certain kinds of goods not bearing the label. This particular device has proved effective in those districts where strong union sentiment prevails; but the Clerks are in most cities very weak and could not enforce such rules.

Whether or not a trade union can establish a demand for goods bearing its label depends upon a variety of factors: (1) on whether the goods are bought by unionists or by other classes in the community; (2) on whether the goods are ordinarily purchased by men or women; (3) on

whether the goods are of such a character or are purchased under such circumstances as to make it possible for other unionists to know whether the unionist purchasing the goods is buying union or non-union goods, and (4) on whether the purchase is one frequently repeated or only one made at considerable intervals. The influence of these factors will be considered in this order.

(1) As has already been noted, the unions have for some years almost entirely abandoned the attempt to promote the demand for label goods among those sections of the purchasing public not closely identified by sympathy with the unions. The only important exception to this general rule is in the case of the Printers' label. The Allied Printing Trades' label is frequently seen on the printed matter of merchants and other persons who do not preferentially buy other label goods. This exception is, however, more apparent than real. A recent writer has thus explained this apparent anomaly:[1]

"The use of the label by the Printers as a means of directing the patronage for goods to union offices differs in an important particular from its use by other trade unions. The labels of the Hatters and Cigar Makers are primarily intended to enable a purchaser to identify union-made goods. The chief purpose of Printers' label, on the other hand, is to indicate to others than the customer that the work was done in a union office. This difference grows out of certain peculiarities of the demand for printed matter. Roughly speaking, we may say that newspapers, magazines, and books are produced for sale, while other kinds of printed matter are executed either for the use of the customer of the printing office or for free distribution. It has been found that the boycott is a far more effective device than the label in diverting patronage from newspapers and magazines. The use of the label on books has never been of importance, although the publishers of some subscription books which appeal particularly to the working classes have found it desirable to use the label.

The demand for printed matter intended for the immediate use of the customer or for free distribution does not come largely from the trade unionists. The Printers' label, therefore, if it were merely a mark of identification for the customer, would have comparatively little effect upon the direction of this patronage. The trade unions and some lodges and associations have the label placed on their printed matter because they wish to aid the Printers in enforcing their trade regulations. Under such circumstances a customer is

[1] Barnett, G. E., The Printers, A Study in American Trade Unionism, p. 276.

able to make sure that his patronage goes to union offices by requiring that the label shall be placed on his printed matter. The Printers' label, is, therefore, an aid to the customer in distinguishing union from non-union offices, but it is not an indispensable device for this purpose as the label is in the case of hats and cigars, where the goods are not made to order. A customer may ascertain without the test of the label whether the printing office which he patronizes is or is not a union office.

The Printers' label is chiefly useful as a device for influencing the patronage of those customers of printing offices who intend to distribute printed matter. Such customers, if they wish to conciliate trade union sentiment, may be influenced to ask that the label be placed on their printed matter. The "sticker" has, therefore, logically become the chief instrument in the propaganda for the use of the label. It calls the attention of the issuer of printed matter to the fact that he has not shown his friendliness to organized labor and is in effect a veiled threat of boycott. The label is on this account usually found on the circulars of candidates for public office, on baseball advertising, and on the advertisements of shows. In 1908 the first vice-president of the International made a vigorous effort to induce certain insurance companies to have their printing done in union offices. In all these cases, the real force depended upon to secure the use of the label, and, as a result, patronage for union offices is the fear on the part of the distributer of printed matter that if he does not use the label he will be lose the patronage of unionists. A case cited in the *Typographical Journal* (Vol. 30, p. 234) will serve as an illustration. A manufacturer of musical instruments conducted also a non-union printing office. "Stickers" were sent to the musicians' unions throughout the country with the request that they return the advertising matter of the manufacturer with "stickers" attached. By this means, the printing office was unionized."

The general rule that label goods are demanded chiefly by unionists is strikingly illustrated by the differences in the demand for such goods in different sections of the country. Where large manufacturing or mining interests absorb a large part of the attention of the population and the workers are well organized, as in the coal fields of Pennsylvania and the Middle West, in the mines of the Western States, or in the manufacturing towns of the Middle West, the demand for label goods is more than proportionately strong. The aggregation of large numbers of unionists produces an intensity of pro-union feeling which contributes greatly to the sale of label goods. For the same reason there is no considerable demand for the label on the more expensive grades of goods. Cigars selling at over ten cents rarely have the label. The majority of hats hav-

ing the label are of middle quality. The best grades of hats, even though made in union factories, do not carry the label, for purchasers of hats at five dollars and over would be more likely to be repelled than attracted by the label.

(2) It is of prime importance, if the demand for the label goods of a union is to be strong, that the purchase of the particular goods should be made by the men and not the women of the family. It would be difficult to name a single article ordinarily purchased by women in which there is a strong demand for label goods. This is a fact of great importance, since a very large part of the ordinary workingman's income, to say nothing of the income of working women, is expended by the women of the household. It is the experience of the unions that the wives of trade-unionists do not insist on having the label on the articles which they purchase. The Broom Makers and the Brushmakers are peculiarly affected by this condition. The Boot and Shoe Workers have found that the demand for the label on women's shoes is far less than on men's shoes. The Butcher Workmen testify to the great difficulty in inducing the wives of unionists to buy meat only from butchers exhibiting the union market card. The Ladies' Garment Workers who make garments for women's wear are most seriously affected, and the label in this trade has never been important. It is not within the province of the present writer to offer any thorough-going explanation of this attitude on the part of the women of trade-union families. It is partly the result of lack of information concerning the union label, partly the result of the smaller acquaintance of women with industrial conditions. It may be, however, that the ultimate explanation is to be found in some fundamental peculiarity in the attitude of women toward combination for economic purposes. The difficulty in inducing women to demand label goods has its counterpart in the difficulty encountered in organizing working women into effective unions. The unions hope that the Women's

Label Leagues noted above will bring about a change in the attitude of women toward the label.[1]

(3) A very large part of the demand for label goods depends upon the pressure of union opinion. Many trade unionists buy label goods not because they believe in the label as an instrument for advancing the interests of the wage earners, but because they fear the reprobation of their fellow unionists if they do not do so. One element of strength in the Cigar Makers' and Brewery Workers' labels lies in the fact that a certain publicity ordinarily attends the purchase of cigars or beer. It is matter of frequent complaint among the Cigar makers that although unionists when in groups almost always buy union-made cigars, they are not so careful when they are alone and in places where the character of their purchases is not likely to be noted. It is one of the elements of weakness in the demand for the Cigar Makers' label that the label is not and cannot very well be imprinted or pasted on the cigar. A trade unionist having purchased a cigar or several cigars of non-union make does not fear detection by his fellow unionists. It is only at the time of purchase that pressure can be exerted. On the contrary, articles of wearing apparel such as hats, shoes, and garments have labels durably placed on them, and if a unionist has purchased a hat without the label some untoward chance may at any time reveal the fact to his fellow unionists.

(4) A final factor in the demand for the label and one of great importance is whether the purchase is one made frequently or at considerable intervals. The purchase of cigars, hats, shoes or garments is a recurring act, while the purchase of many other goods used by unionists is only infrequently made, perhaps once or twice in a life-time. In the former case the unionist learns to associate the label with the particular commodity, and successive purchases strengthen the habit of asking for goods bearing the label

[1] In 1907 there was organized in Jersey City a school for teaching women how to recognize union made goods; see Barbers' Journal, February, 1907, p. 8.

of a particular union. In the case of articles purchased only at long intervals, as for instance a kitchen range, the unionist has probably not had his attention drawn to the fact that there is a label on such goods. He may have seen advertisements of the label of the Molders and Stove Mounters many times, but it is more than likely that at those times he was not contemplating such a purchase and the advertisements did not excite his interest. The consumer of cigars, on the other hand, applies immediately to his own experience the advertisements of the "blue label."

The difficulty of creating any considerable demand for the label in the case of goods bought only infrequently may be illustrated from the experience of the Molders. A label was adopted by the Molders in 1887, but no considerable effort to create a demand for molders' products bearing the label was made until 1894, when a vigorous campaign was inaugurated to create a demand for union-made stoves. It has always been admitted that it is useless to attempt to create a demand for the label on machinery castings,[1] but it was thought practicable to build up a demand for the label on stoves, since unionists are large purchasers of such goods. The reports of the officials since that time consistently complain that these efforts have been ineffectual. The officers attribute the failure of the propaganda to various causes, nearly all of which may be resolved into the fundamental difficulty that purchasers buy stoves only at considerable intervals. In 1895 the president of the union said: "While the cigar-makers, printers, and other organizations can point with pride to the success of their label, we are unable to do the same, and I find it is because the conditions in those trades are more favorable than in ours. The purchase of a cigar calls for a small expenditure of money,

[1] In 1895 the president of the Molders in his annual address said, "Placing the label on castings and specialty goods has not been successful because of the fact that castings promiscuously made leave the foundry in an unfinished condition, and are handled by others, and when leaving their hands have no evidence of make discernible because of the process they are put through to bring them to a finished state."

and that, too, by a man who may or may not belong to a union; and the same can also be said of a bill for printing, which, if the label does not appear upon it, it is the purchaser's option to decline, as union-labeled cigars and printing can be had almost anywhere. But not so with a stove, which, besides calling for a considerable outlay of money, is generally bought by women, who, no doubt, are controlled more by the price than any other consideration. Besides this, stoves of certain makes and names have, on account of their superior advantages, established for themselves a trade which the dealers find greatly to their advantage in supplying, because of the demand made for them by their customers, who will have no other." More recently the Molders have practically abandoned the attempt to encourage a demand for the label on stoves, partly because the trade is well organized and partly because the association of manufacturers in the trade object to using the label.[1]

In the preceding discussion of the factors determining the demand for label goods the more general factors—price and quality—have been passed over, because they play an extremely minor role in the demand for label goods. The unions ordinarily claim that the retail price of label goods is no greater than that of goods made by non-unionists, and it seems probable that in most cases this claim is well founded. The difference in the cost of production of the two classes of goods is so small as not to be reflected in the price. In the case of cigars the price paid for making is ordinarily considerably higher in union than in non-union factories. In the "Report on the Limitation and Restriction of Output" published in 1904 as a Special Report of the Commissioner of Labor, it is said, "In perhaps every locality wages in union cigar factories are

[1] For an account of the negotiations concerning the use of the label between the Molders and the National Defense Association, see Hilbert, F. W., "Agreements in Iron Molders' Union," in "Studies in American Trade Unionism," edited by Hollander, J. H., and Barnett, G. E.

higher than wages in non-union cigar factories; and in many cases the wages per thousand cigars are from $3 to $5 more in union than non-union factories."

It must be taken into account, however, that the manufacturer of label goods is aided in selling his goods by the union, and to that extent he can dispense with advertising. It is claimed for the Cigar Makers that on this account label cigars, although costing more to manufacture, are sold as cheaply as cigars of the same grade made by non-unionists. Of course, if all the manufacturers in any particular industry had the use of the label it would not serve as a valuable advertisement. Where, however, the article is one in considerable demand by unionists and the union in the trade is able to create a demand for label goods, a small number of the manufacturers may receive an advertising advantage from the use of the label which will more than compensate for the higher cost of production entailed by the compliance with union rules.

The unions have not as a rule attempted to encourage the demand for label goods by making the label a mark of superior material or workmanship. The difficulty in the way of any such plan is obvious; the union is not organized to further the interest of any particular part of the workingmen in the trade, but to establish conditions for the trade as a whole. If it made of its label simply an instrument for aiding those workers employed on fine goods, its power would be restricted. As a general rule, therefore, the unions do not make their propaganda for the label on the ground that the goods bought are of superior quality. The purchaser has, of course, in buying label goods the guarantee that they were not made in a prison or in a tenement house. He knows, moreover, that the goods were made by a unionist.

In a few unions, however, there are specific rules requiring that goods bearing the label shall not be below a certain grade or quality. Such, for example, are the rules of the Cigar Makers and of the Hatters, already noted. The Cigar Makers will not allow the use of the label on grades

of cigars selling for less, at wholesale, than $20 per thousand. The Hatters will not allow the use of the label on hats made by pasting or sewing brims and crowns together.[1] The Jewelry Workers require as one of the conditions for the use of the label that the employer shall agree "that the Union Label shall not be stamped upon any article which bears any false or untrue karat stamp, or other stamp indicating the quality of the article so stamped, intended to mislead the purchaser of said article." The Jewelry Workers are able, therefore, to appeal to consumers on the ground that the goods on which their label appears are correctly marked. The effectiveness of this appeal has been much lessened by the recent enactment of a federal law prohibiting the "carriage in inter-state commerce of falsely or spuriously stamped articles made of gold or silver or their alloys." Several of the States have also passed legislation with the same end in view. Colorado, for example, in 1907, passed a law whereby "a fine of fifty dollars or ninety days' imprisonment, or a fine of one hundred and fifty dollars and imprisonment" is the penalty for fraudulently stamping "any article of gold or silver or their alloy."

In conclusion, it would be interesting to know how far the product bears the label in those trades in which the unions rely most upon the label. Unfortunately the information obtainable on this point is very meagre. Perhaps the most nearly exact statement can be made with reference to the Cigar Makers. The table on the following page shows the extent to which the cigars made in the United States bear the label.

The United Hatters, who have been able to create a very strong demand for their label, had distributed, according to their last available report, from 1885 to July 1, 1908, 254,154,394 labels, or an annual average of about 11,000,000 labels. In the years 1907 and 1908 the annual distribution was at the rate of 18,000,000 labels. It is impossible

[1] Journal of the United Hatters, December, 1903, p. 16.

NUMBER OF ESTABLISHMENTS, CIGARS MANUFACTURED, AND CIGARS LABELED, BY YEARS.[1]

[Cigars weighing more than 3 pounds per thousand].

Year.	Number of Establishments in the United States.	Number of Cigars Manufactured in the United States.	Number of Labels Issued by the Cigar Makers' International Union.	Number of Cigars Labeled, Estimated at 50 to the Label.
1881	16,640	2,805,769,926	1,590,000	79,500,000
1882	16,663	3,117,860,952	3,600,000	180,000,000
1883	17,394	3,231,813,286	4,450,000	222,500,000
1884	18,672	3,372,982,038	5,000,000	250,000,000
1885	20,961	3,293,662,991	5,332,000	266,600,000
1886	21,053	3,462,014,287	15,042,000	752,110,000
1887	21,274	3,661,630,422	15,800,000	790,000,000
1888	22,055	3,668,162,486	13,400,000	670,000,000
1889	22,837	3,787,229,453	14,028,000	701,400,000
1890	23,119	4,228,528,258	14,506,000	725,300,000
1891	24,728	4,422,024,212	14,050,000	752,500,000
1892	25,246	4,674,708,260	18,405,000	920,250,000
1893	26,663	4,341,240,981	18,200,800	910,040,000
1894	29,173	4,163,641,327	16,100,000	805,000,000
1895	30,072	4,099,137,855	16,200,000	810,000,000
1896	31,401	4,048,463,306	17,093,000	854,650,000
1897	31,435	4,135,594,125	16,725,000	836,250,000
1898	30,517	4,456,836,966	15,460,000	773,000,000
1899	28,523	4,909,566,840	18,310,000	915,500,000
1900	27,366	5,565,669,701	22,315,000	1,115,750,000
1901	24,567	6,139,390,776	21,688,446	1,084,422,300
1902	26,940	6,907,830,553	27,956,540	1,397,827,000
1903	26,456	6,806,017,429	32,961,000	1,648,050,000
1904	27,703	6,640,482,283	29,890,000	1,494,500,000
1905	26,631	6,747,869,277	29,800,900	1,490,045,000
1906	25,812	7,147,548,312	30,250,000	1,512,500,000
1907	23,882	7,302,029,811	31,590,000	1,579,500,000
1908	22,868	6,488,907,269	27,201,500	1,360,075,000
1909			26,390,000	1,319,500,000

to ascertain the production of hats in the United States, but it is conservatively estimated at 30,000,000 per annum. This estimate does not include straw and cloth hats, which are not made by the United Hatters. The Boot and Shoe Workers do not keep any account of the number of stamped pairs of shoes, since the stamp is imprinted from a die.

[1] This table for the years prior to 1904 is taken from the Eleventh Special Report of the Commissioner of Labor on "Regulation and Restriction of Output," p. 584. From 1904 to 1909 the figures for the number of establishments and the number of cigars manufactured have been taken from the report, of the collector of internal revenue, and the figures for the number of labels issued have been furnished by Mr. Geo. W. Perkins, President of the International Cigar Makers' Union.

CHAPTER VII.

Trade Jurisdiction and the Label.

In the foregoing chapters it has been assumed that the product of each union using the label is separate and distinct from the product of every other label-using union, and that each union has an undisputed exclusive right as against every other union to organize the workers on a particular product. Neither of these assumptions is entirely correct, and frequent disputes among the unions have been the result.

The difficulties encountered may be divided into three classes: (*a*) where the members of two trades claim the right to do the same work and to place their label on the product, (*b*) where the product is one made by workmen of several distinct trades each of which claim the right to participate in the regulation of the label, (*c*) where certain trades are essentially subsidiary.

(*a*) The difficulty between the Journeymen Tailors and the United Garment Workers as to the right to organize particular classes of workers in the garment trade illustrates the first class of disputes. The United Garment Workers have jurisdiction over all garment workers working in clothing factories, while the Journeymen Tailors have jurisdiction over workers employed on custom-made clothing. The distinction between the two classes of workers was once fairly clear, but in process of time much, probably most, custom-made clothing has come to be made on the factory system. As a result a dispute arose as to which of the unions had the exclusive right to organize the group of workers lying midway between the two older classes, and as to which of the unions had the right to place its label on the product.

On October 9, 1903, at a conference in Washington be-

tween the representatives of the two organizations an agreement was concluded. By the terms of this agreement each union agreed not to boycott any clothing bearing the label of the other organization, and the jurisdiction of the unions was determined on the basis of the selling price of the product. "Workmen engaged in making custom made clothing for merchant tailors either under the Journeymen Tailors' idea or by factory system, the selling price for which clothing in the United States shall average twenty-five dollars, and in Canada eighteen dollars, these workmen come under the jurisdiction of the Journeymen Tailors' Union; while those workmen engaged in custom work under the factory system for merchant tailors in the United States, and the selling price being below twenty-five dollars and in Canada below eighteen dollars on ready made clothing, shall come under the jurisdiction of the United Garment Workers of America. The label of either organization is forbidden to firms which make clothing under the factory system and do not own their shops."[1] The Journeymen Tailors and the Garment Workers were to use but one form of label on ready-made clothing and overalls. The label of each branch of the trade was to be distinguished by a special stamp. The general executive boards of the two unions were granted the power to adopt proper means for the identification of the two different uses of the same form of label, inasmuch as no agreement was reached at the conference between the officials of the two unions as to the exact form of stamp to be used. This agreement has not worked satisfactorily, however, and in 1909 the Tailors asked the Federation of Labor to grant them jurisdiction "over all workers engaged in the manufacture of legitimate custom tailoring no matter what system of work is used."[2]

Somewhat more complicated disputes but of the same general character were those of the Shirt, Waist and Laundry Workers with the Ladies' Garment Workers and with the United Garment Workers. The Shirt, Waist and Laundry

[1] The Tailor, November, 1903, p. 9.
[2] Proceedings of American Federation of Labor, 1909, p. 125.

Workers claimed jurisdiction as follows: "We are, first, a Laundry Workers' International Union and are composed of members working on new factory and old custom laundry work, both in shirt and waist factory laundries, as well as in custom and old work laundries, and those employed in "cutting and making" shirts, waists, collars and all things that require laundering and that come in direct touch with the laundry workers, must, for the success of our movement come under the banner of the Shirt, Waist and Laundry Workers' International Union."[1] On the other hand, the Ladies' Garment Workers claimed jurisdiction, involving the right to use the label, over the workers on waists, and the Garment Workers claimed jurisdiction over the workers on shirts.

Jurisdictional agreements were concluded in both cases in 1903–1904. All workers engaged in the manufacture of waists were to belong to the Ladies' Garment Workers Union, and the Shirt, Waist and Laundry Workers agreed not to charter local unions of such workers. In cities where both shirts and ladies' garments were made, if the workers were sufficient in number the workers on shirts were to join a local union of the Shirt, Waist and Laundry Workers, while the workers on Ladies' garments were to join a union of the Ladies' Garment Workers. Each union was to issue its label through its own officers. Factories were not to have the use of the label of the International Ladies' Garment Workers Union on wash goods unless they were laundried by members of the Shirt, Waist and Laundry Workers' Union.[2] If the workers in the industry were not strong enough to support a separate local union, they were to be organized into a single union and attached, according to the relative number of shirt and waist makers employed, either to the Shirt, Waist and Laundry Workers' Union or to Ladies' Garment Workers' Union.[3]

[1] Proceedings of American Federation of Labor, 1902, p. 76.
[2] Official Journal of the Shirt, Waist and Laundry Workers, August 1904, p. 21.
[3] Proceedings of the Shirt, Waist and Laundry Workers, 1904, p. 34.

The Shirt, Waist and Laundry Workers and the United Garment Workers were also drawn into a dispute regarding the use of the label. In certain factories which made both overalls and shirts the Shirt, Waist and Laundry Workers organized the operatives, while in certain other factories of the same kind the United Garment Workers did the same. As a result both unions allowed their labels to be placed on shirts and overalls. The two organizations realized that some steps must be taken looking toward the settlement of the dispute, and in 1904 the following agreement was made:—

First. That all overall houses come under the jurisdiction of the United Garment Workers of America.

Second. That all shirt houses come under the jurisdiction of the Shirt, Waist and Laundry Workers' International Union.

Third. Should a house make overalls, pants, coats and shirts, the proportion of the product to decide the jurisdiction is as follows: If fifty-one per cent or more of the product is overalls, the house comes under the jurisdiction of the United Garment Workers of America, or if fifty-one per cent or more of the product is shirts, the house comes under the jurisdiction of the Shirt, Waist and Laundry Workers' International Union.

Fourth. No United Garment Workers of America label shall be placed on shirts, or no Shirt, Waist and Laundry Workers' International union label shall appear on any overall.

Fifth. In granting labels to factories making overalls, coats, pants and shirts, the Executive Board of both organizations shall investigate and enforce the price-list, or the conditions as adopted by both organizations.

Sixth. Should a member of one organization secure temporary work in a composite shop under the jurisdiction of the other organization, their membership cards shall be recognized for a period of three months. If, however, a member remains in said factory over that time he shall then join the organization having jurisdiction over said factory, subject to the local by-laws in the city where such application is made.

Seventh. That the wage scale for operating as adopted for the Garment Workers be the minimum scale as a guidance for both organizations.

This agreement was never fully enforced on account of the disinclination of the San Francisco local union of Laundry Workers to force the workers in the shirt factories in that city to become members of the Shirt, Waist, and Laundry Workers' Union. In 1909 the Shirt, Waist and Laun-

dry Workers' International Union ceded jurisdiction over the workers on shirts to the Garment Workers' Union.[1]

(*b*) In some industries several well defined trades of coordinate importance contribute to produce the article on which the label is placed. It would be possible for the union in each of these trades to have its own label, and the finished product might be marked by several labels. Such a plan would not yield the best results, however, since each union would be forced to attempt the creation of a demand for its own label. By combining their forces it has been thought that greater success would be obtained. The most important case of this kind has been the attempt made in the printing trade to form a combination of the various unions in support of a joint label which should serve to mark a product made entirely by unionists in the different trades concerned.

The first label in the printing industry was that of the International Typographical Union adopted in 1886. At that time, in addition to the printers, the pressmen and shortly thereafter the bookbinders were organized as local unions of the Typographical Union. The label was first issued independently to any local union whether composed of printers or of members of one of the allied trades. Each local union might issue the label to any employer who complied with its rules. As a result a piece of printed matter might bear the label although it was only partially the product of union labor. In 1893, when the label had become more important, the International union authorized the formation of allied printing trades' councils in those cities where unions of more than one of the printing trades were in existence. A new label known as the allied trades' label was adopted in addition to the Typographical Union label. The allied trades label was to be issued only through the councils. These councils were to be composed of delegates from the several local unions; they were largely voluntary, and in many cities were not formed because of friction among

[1] Proceedings of the seventh annual convention of the Shirt, Waist and Laundry Workers Union, 1909, p. 80.

the local unions. In such cities each local union issued its own label.

In 1896 the Pressmen and Bookbinders were granted their independence, and an agreement was made by these unions with the International Typographical Union which covered among other things the issue of the label. Several differences soon appeared in the councils as to the conditions under which the label was to be issued, and in 1901 the agreement was abrogated. A new agreement was formed in 1904 among the Printers, the Pressmen, the Bookbinders, the Stereotypers and Electratypers and the Photo Engravers. The agreement was amended in 1907 and is still in force.

This agreement provides for a joint conference board composed of representatives from these unions as follows: four from the International Typographical Union, one from the International Printing Pressmen and Assistants' Union, one from the International Brotherhood of Book binders, one from the International Stereotypers and Electrotypers' Union, and one from the International Photo-engravers' Union. The officers of the joint conference board are a president, a vice president, a secretary-treasurer, and "such other officers as the Board may determine, but no two executive officers shall be chosen from one organization." The board hears appeals from the Local Allied Councils, and if the vote of the board concerning any question is a tie, the president of the joint conference board "may call another meeting for further consideration of the matter. If the case cannot be satisfactorily adjusted at such meeting a disinterested party shall be unanimously selected to act as arbitrator, and his decision shall be final."

The agreement provides for the formation of Allied Printing Trades Councils in localities where there are at least two organizations parties to the agreement. These local councils are composed of three representatives from each local union which is chartered by one of the parties to the agreement. No local union may have a vote in more than one Allied Council, irrespective of the jurisdiction

claimed. "Unions having jurisdiction over more than one city or town in which Allied Trades Councils exist shall have voice and vote in one Allied Council only, but may be represented, and shall have voice in the rest."

The Local Allied Councils are allowed to elect their own officers and to make such provisions and rules for their own government as do not conflict with the agreement or the laws of those unions which are parties to the agreement. The councils are the only bodies allowed to grant the use of the allied trades label in any jurisdiction. "All local unions of the national organizations parties to this agreement must withdraw their individual labels as soon as an Allied Council is formed."[1] The joint conference board,

[1] The complete text of the agreement is as follows:

1. The International Typographical Union shall procure and hold all Allied Printing Trades Council Union labels, and shall loan same to local allied printing trades councils as its agents, in accordance with the terms of this agreement, upon receipt of a sum of money from the local council not exceeding ten percent above the cost of production and distribution of said labels.

2. No Allied Printing Trades Council shall issue any label not procured from the International Union, nor any label differing in design from the label now known and registered as the Allied Printing Trades Council Union Label, nor duplicate nor allow the duplication of said label, except in case of stereotyped or electrotyped forms, in which case the label appearing in the plate or plates shall be destroyed immediately on completion of the work on which it is used.

3. No other body than the Local Allied Printing Trades Council shall be allowed to grant the use of the Allied Printing Trades Council Union Label in any jurisdiction. Provided, that the Joint Conference Board may order the issuance or withdrawal of the label, or issue said label direct, when in its judgment such action is necessary.

4. All labels must be procured by local councils from the Secretary-Treasurer of the International Typographical Union. Any infraction of this rule shall be deemed sufficient cause for the dissolution of the local union so offending.

5. Labels shall be loaned only with the unanimous consent of unions represented in the Allied Printing Trades Council. Unions objecting to the issuance of the label in any instance must produce a valid reason for such objection, the council to be the judge of the validity of such reason, subject to appeal to the joint conference board; provided, an active member in good standing of any branch represented in an Allied Printing Trades Council, who runs an office of not more than two platen presses, and in the operation of such office complies with the laws of his union, shall be permitted to use the label, provided the entire work of the office

however, reserves the right to issue or withdraw the label, or to issue the label direct, "where in its judgment such action is necessary." The International Typographical Union procures and holds all labels and loans them to the Allied Councils which act as its agents. No other label is valid unless procured from the International Typographical Union, and the unanimous consent of unions represented in the Allied Printing Trades Council is necessary before the label may be issued to any firm.

One of the chief difficulties in the working of this agreement has been the disinclination of many of the local unions, particularly of the Printers, to enter such councils. Until a council is formed the local union in any of the trades issues its label to such concerns as it sees fit. The board has unanimously decided that "an Allied Printing Trades Council must be formed, in accordance with the joint agreement, and the Allied label issued, where it can be conclusively shown that all interested Unions have an established wage scale and control seventy per cent. of the employes in their branch of the trade."

The chief cause of difference in the working of the agreement has been in connection with small printing offices. In a considerable number of such offices the proprietor works at the trade and is usually a printer. In addition to doing composition he attends to the one or two small presses in the office, and he may also perform the simpler operations of

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be done by the proprietor thereof, and that when employment is given to any additional help members of affiliated unions must be employed. Violation of the aforegoing shall be deemed sufficient reason for the immediate surrender of the label. The above provisions shall not apply in cities of five hundred thousand population or over.

6. In regard to label issuance, should any union chartered by a party to this agreement feel that an injustice had been done it, or should any local Allied Printing Trades Council feel that the action of any such union is detrimental to the best interests of the Council, an appeal may be taken to the Joint Conference Board under such provisions as may be adopted by such board.

7. Whenever an Allied Printing Trades Council is in existence, the local unions affiliated therewith shall withdraw the label of their respective unions, unless otherwise decided by the Joint Conference Board.

bookbinding, such as stitching. The Pressmen and Bookbinders have always objected to this practice as an invasion of their trades. They contend that their unions have jurisdiction over press work and bookbinding in all its branches. Various compromises have been resorted to in order to meet this difficulty.

In 1901, just before the abrogation of the Tripartite Agreement, it was agreed that in cities of under 500,000 population a pressman should be employed in all offices where there were more than two platen (flat bed) presses, otherwise the employer should not be allowed the use of the label. In cities of more than 500,000 population the local Trades Councils were to regulate the matter. In 1904, when the present agreement was formed, the following provision was made a part thereof: "in cities of less than 500,000 inhabitants a proprietor who runs an office of not more than two platen presses and in the operation of such an office complies with the laws of his union shall be permitted to use the label." It was also provided that whenever any additional help was employed, members of affiliated unions were to be employed. It was understood by the Printers, at the time of the adoption of this section, that a proprietor of such an office might serve as his own pressman notwithstanding any rules of the local pressmen's union. In 1908, however, the Pressmen contested this interpretation of this section, and the joint conference board struck out the provisions concerning small offices and the local Allied Trades Councils were given power to regulate the matter.

(*c*) Certain trades which are essentially subsidiary cannot have a label of their own. Such, for example, are the Stationary Engineers and Stationary Firemen. In industrial unions, as, for example, the Brewery Workers, such subsidiary trades, being organized as an integral part of the union, are represented by the label, but ordinarily the Engineers and Firemen are not considered in granting the label. The Shirt, Waist, and Laundry Workers have pursued, however, a peculiar policy in this respect.

In 1902 this union made an agreement with the Brotherhood of Stationary Firemen providing that "when any factory or laundry desires to use the label of the Shirt, Waist and Laundry Workers, the firemen must become members of the Brotherhood of Stationary Firemen. When the International Brotherhood of Stationary Firemen have no local, the firemen in the factory which is using the label of the Shirt, Waist and Laundry Workers shall become members of the Shirt, Waist and Laundry Workers Union; but when in any locality a local of the Brotherhood of Stationary Firemen is established, these firemen shall become members of that local without any extra expense, and when in any locality there are seven firemen, these seven firemen shall form a local of their own. The firemen shall not be allowed to do any laundry work and in case of any disagreement between either union and the employer, the other union will proffer its good offices to bring about a settlement of the dispute."[1]

The agreement with the International Union of Steam Engineers made at the same time provided that "the engineers in any factory which desires to use the label of the Shirt, Waist and Laundry Workers must become members of the International Union of Steam Engineers; and should no local of the latter be within the jurisdiction of the situation of the factory, the engineers must become members of the nearest local union of that organization." As in the case of the firemen, the engineers were not allowed to do any part of the laundry work. Each union pledged itself to further the interests and aims of the other and to use its good offices for the settlement of all cases of dispute arising between the employer and the other union. The final article of the agreement provided that "all agreements between the Shirt, Waist and Laundry Workers and the International Union of Steam Engineers and the proprietors of the factory shall be made at the same time."[2]

[1] Proceedings of the Shirt, Waist and Laundry Workers, 1902, p. 37.

[2] Proceedings of the Shirt, Waist and Laundry Workers, 1903. p. 38.

CHAPTER VIII.

The Legal Protection of the Label.

It is obviously necessary, if the trade union label is to be an effective instrument, that the unions shall be able to prevent any other persons than those authorized by the union from using the label. The problem of protecting the label against counterfeiting does not appear to have much concerned the San Francisco and St. Louis cigar makers' unions. In both cases the label was registered with state officials; no question affecting the legal position of the label appears, however, to have arisen in either place.[1] For some years, however, counterfeiting of the label was so rare that it did not attract attention. About 1886 the Cigar Makers' Union experienced a great increase in the demand for the label, brought about by the rapid growth at that time in the strength of the trade-union movement. One result of this increasing demand was the appearance in several places of counterfeit Cigar Makers' labels. Since the Cigar Makers' Union was at this time the only union to which the use of the label was important, it carried on almost entirely the proceedings for the determination of the legal status of the label. The period during which this went on may be said to have extended from 1886 to 1889.

According to the English common law, any manufacturer or merchant who uses continuously a distinctive mark of authenticity through which his goods may be distinguished from those of others obtains a proprietary interest therein. This interest, it may be said, is not dependent upon the

[1] In 1879 the Cigar Makers' Association of the Pacific Coast made application for the registration of their label under the Act of Congress of July 8, 1870. Registration was refused on the ground that the label was not a trade mark within the purview of the act, since it did not appear that "the members of the Association all manufacture the same goods or propose to apply the mark to any particular kind." Official Gazette, February 1, 1879.

registration of the trade mark. The only advantage obtained by the St. Louis and San Francisco unions from registering their labels was to make proof of ownership easier. The legal remedy for infringement of the trade mark was exactly the same without registration as with it.

The question which the trade-union label brought before the courts, reduced to its simplest terms, was whether a body of organized workmen could obtain a proprietary interest in a label placed on goods made by them as a manufacturer or merchant could on goods owned and sold by him. The gist of the question was whether or not the obtaining of a proprietary interest in a trade mark was dependent on the possession of some proprietary interest in the goods on which the mark was placed. During the period under consideration the Cigar Makers attempted to establish in the courts the legal proposition that a group of laborers could under the common law obtain such an interest in a label.

The first important case to come before the courts was one in Baltimore. In November, 1886, Bernard Link was prosecuted by Cigar Makers' Union No. 1 of Baltimore for using a counterfeit label. It was held in the circuit court that he might be restrained by injunction. The chief point raised for the defendant was that the union did not have such a property interest in the label as to entitle it to the protection of the court. The court found, however, that the union did have such an interest. It was held in an ingenious argument that since the object and effect of the label was to increase the value of the labor of the members of the union, and since every workman had a property right in his own labor, they had also a property right in such instrumentalities as increased the demand for their labor. Since the label was, as the court found, such an instrumentality, a union might have an equitable property right in a label.[1]

[1] The chief part of the opinion, as found in Cigar Makers' Journal, November, 1886, p. 7, is here reprinted:

"It is objected that the parties drawing the benefit of the label are not manufacturers, but employees or laborers, not owners of the article upon which the label is permitted to be affixed, but simply

The Link case was quickly followed by a more important case in New York, viz., Bloete *v.* Simon [19th Abb. N. Cas. (N. Y.) 88]. In this case an injunction was secured against Martin Simon, who was selling cigars packed in boxes bearing a counterfeit label. It was held in the lower New York

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hired to make it. And it is, therefore, contended that they and their label are not within the established principles which govern courts of equity in the application of the law of trademarks and labels, heretofore exclusively applied, it is said, to the protection of the invested capital of manufacturers and merchants.

"Although the point thus raised is a novel and interesting one, but little difficulty should be found in disposing of it upon principle. The idea of property is necessarily a progressive one and is capable of development corresponding to the changes in the relations of men in a growing society. Distinct properties, says Puffendorf, were not settled at the same time, nor by one single act, but by successive degrees, nor in all places alike, but property was gradually introduced, according to either the condition of things, the number and genius of men required, or as it appeared requisite to the common peace.

"The bill claims that the object and effect of this label, as used by the plaintiffs and their associates, is to increase the value of their labor by increasing the demand for it as members of the union. That is the substance of what they claim, and at this stage of the case must be taken as true. It will not be denied that every freeman has a property right in his own labor, whether present or prospective. From this broad, general principle it is easy to develop the particular proposition, that an association of men who combine for the purpose of increasing, by legitimate means, the general demand for their common labor, have a property right in whatever lawful instrumentality they can succeed in creating and controlling for that purpose.

"To apply the test already mentioned, if such an instrumentality has a distinguishable existence, if it has an actual value to those claiming to be its owners, it is property. The fact that this label in this case is valuable to the plaintiffs and their associates is admitted by the demurrer. The defendant has sought to appropriate it, and by that act has demonstrated that the label is at all events worth stealing. It is true that it is not tangible property, like a trade mark, or a good-will, and as readily distinguishable. It is not the corporate property of a corporation, but the common property of a voluntary association, in which all its members have a common interest.

"A voluntary association can own property in a certain sense just as well as a partnership. [Mears vs. Moulton, 30 Md. 140]. Notwithstanding no precedent can be found among the reported cases in the highest courts of England, or this country, it seems sufficiently clear upon principle that the device of the label which the union has originated as its instrumentality for the purpose indicated and which the demurrer admits has effectually accomplished its object in increasing the value of their labor, it is a property right of the union in which all the members have a common interest."

court that such an injunction could be properly issued. The chief question in this case was whether one or more of the members might sue in behalf of all the members of the union. The court held that this might be done. This decision was rendered on April 13, 1887.

Both the Link case and the Simon case were decided in lower courts and were not appealed. The first case in which the question was brought before a court of final resort was a Minnesota case, Allen *v.* McCarthy, 37 Minn. 349, decided in December, 1887. The court divided evenly on the question as to whether an injunction might be issued against the counterfeiting of the Cigar Makers' label, and the judgment of the trial court, to the effect that such an injunction might be issued, was affirmed without opinion.

In December, 1887, the general term of the superior court of the State of New York affirmed a decision of the superior court of the City of New York granting an injunction against one Moonelis, who had counterfeited the Cigar Makers' label. The court held that "the plaintiff, being a member of the Cigar Makers International Union, had an interest in the proper use of the label which might, upon sufficient grounds, be protected by injunction against the inequitable use of those labels." The case was carried to the court of appeals, but went off on a question of practice. The court, however, took occasion to say: "A material fact bearing upon the right of the plaintiffs to final relief appears to be the force and effect to be ascribed to the allegation that the plaintiffs are cigar makers and whether that phrase impairs an ownership of the cigars thus made or permits the inference that they are never such owners. The implied allegation of ownership is controverted in the answer by a denial of any proprietary interest by the plaintiffs in the cigars thus made and an allegation that the pecuniary interests of the plaintiffs are not affected by the use or non-use of the labels in question. The issue thus made presents a serious question of law as to the right of the plaintiffs and we are not prepared to determine it in this preliminary proceedings and in the absence of findings

of fact showing the particular grounds upon which the judgment is based."[1]

In 1888 the court of equity of New Jersey in the case of Schneider *v.* Williams [44 N. J. Eq. 391] held that a union could not acquire valid title to a trade mark since it had no property right in the cigars which were made by its members. This decision was followed in 56th N. J. Eq. 649, but the latter case was reversed in Schmalz *v.* Wooley [57 N. J. Eq., 303].

The Cigar Makers' Union by this time had become much impressed with the idea that a property right to the label could be shown if the suits for the protection of the label were undertaken by members of the union who were workmen and also owned their shops. In a New York case, which was tried in a lower court in July, 1888,[2] the suit was brought in the name of a member of the union who was also a manufacturer of cigars "employing nobody but himself." A conviction was secured under a New York law making it a criminal offense for a person to counterfeit trade marks, and the defendant was fined fifty dollars. This was the first case in which the union had secured a criminal conviction. At that time in only two states—New York and Pennsylvania—were there laws providing penalties for counterfeiting trade marks. The only remedy under the common law for violation of the property right in a trade mark is an injunction or a suit for damages. The suit for damages was rarely practicable since the counterfeiting concern was not usually responsible, and the injunction did not serve as a deterrent for future counterfeiters. Until the New York case, therefore, the remedy by injunction had been the sole defence against counterfeiting. The Cigar Makers' Union was much elated by the decision in New York, and still more gratified when the case was decided in its favor in the Supreme Court.[3]

[1] Strasser v. Moonelis, 55 N. Y. Super. Ct. 197, 11 N. Y. State, 270, 108 N. Y., 611. Cigar Makers' Journal, June, 1888, p. 9.
[2] Cigar Makers' Journal, August, 1888, p. 4.
[3] People v. Fisher, 50 Hun (N. Y.), 552.

Almost simultaneously with the decision in the Fisher case came a decision of the supreme court of Minnesota.[1] The court held in this case, by a vote of three to two, that the union did not have a property right in the goods manufactured by its members of such a kind as to give it a right to a trade mark. The minority of the court, while agreeing that heretofore trade marks had been owned by persons who had a property interest in the goods on which the mark was placed, argued that the law might very well be adapted to cover the new state of affairs which had arisen.[2]

In 1889 the question of counterfeiting came conspicuously to the front. Advertisements, openly offering to supply manufacturers with counterfeit labels, appeared in a trade journal. Application was made to the circuit court of the United States for the Eastern District of Missouri for an injunction restraining Herman Ury, who, according to the allegation of the union, had been selling counterfeit labels under the name of B. Alberts. The court in this case decided that although the union label was not technically a trade mark, protection might be given it on the ground that the defendant was "perpetrating a fraud which injures the complainant's business and occasions him a pecuniary loss." The court differentiated the case before it from the Conhaim and Schneider cases by pointing out that in this case the complainant was "himself a manufacturer of cigars and according to the averments of the bill has built up a profitable trade by the use of the union label, which trade has been damaged, and is liable to be further damaged by the

[1] Cigar Makers' Protective Union v. Conhaim, 40 Minn. 243.

[2] They said: "The whole system of labor or trades unions is comparatively modern, and perhaps no case can be found in the books involving a similar state of facts. But it is one of the chief excellencies of the common law that its principles are capable of application to new conditions as they arise, and I think that it but needs a correct application of old principles to the new state of facts to protect the membership of this union in the benefits of their superior skill and experience as cigar makers, against the unfair competition of one who fraudulently imitates or counterfeits the label, adopted to distinguish their workmanship from that of others."

fraudulent acts of the defendants."[1] The union attempted to secure a conviction of Ury on the ground of criminal conspiracy, but was unable to do so.[2]

In his address to the convention of 1889 President Strasser recommended that "all suits should be entered in the names of the officers of the union, and of at least one manufacturer who is a member of the union but does not employ hands. By taking this precaution of including at least one member who sells his own product, the Courts will protect the label of the Cigar Makers' International Union." In connection with this recommendation it was also advised that local unions should be required to admit small manufacturers to membership. Theretofore the constitution of the union had made it optional with local unions whether they should admit such applicants. It was hoped by this means to bring cases of label counterfeiting within the principle laid down in the case of Carson v. Ury.

But even if the courts in the various States had been uniformly willing to acquiesce in the view of the law, a difficulty presented itself, as has been noted, in the inadequacy of the injunction as a means of preventing counterfeiting. Accordingly, President Strasser recommended that in those states where it was possible the enactment of laws subjecting the counterfeiter and dealer to criminal prosecution should be secured.[3] Such laws had within the year been passed in Minnesota, New Jersey, and New York. Since 1889 the union has devoted its efforts for protecting

[1] Carson v. Ury, 39 Fed. 777. It was held in Hetterman v. Powers [102 Ky., 133] that the right of members of the union in the label might be properly protected by an injunction even though the members were not manufacturers or sellers of cigars. Mr. W. A. Martin, in an article on "Union Labels" in the American Law Review for July-August, 1908, to which I wish here to make a general reference of indebtedness, defends the decision in Hetterman v. Powers. Mr. Martin supports his view by quotations from the Link and Moonelis case, but it seems clear that in both of these cases the arguments of the courts were directed to establishing the proposition that the label was a "technical trade mark."

[2] Proceedings of the Eighteenth session of the Cigar Makers' Union, 1889, p. 6.

[3] Proceedings of the Eighteenth Session of the Cigar Makers' International Union, 1889, p. 7.

the label to securing the enactment of similar laws in all the States rather than to attempting to establish the common-law right of a union to a trade mark. The following quotation from the report of the president of the Cigar Makers' Union for 1891 indicates the character of the efforts put forth in this direction and the difficulties encountered:

> The progress made since the last convention, in placing laws upon the statute books of several States for the protection of the union label against counterfeiters and pirates, manifests an active spirit in the ranks of our local unions. It demonstrates the fact that, by taking proper steps in the right direction, legislation for the protection of our interests can be secured. Laws were passed by the legislatures of the following States: Massachusetts, Kentucky, Ohio, Kansas, Colorado, Nebraska, Indiana, Wisconsin, Illinois, Michigan and Maine.
>
> Penal clauses providing for fines and imprisonment are incorporated in the laws of the following States: Massachusetts, Illinois, Michigan, Colorado, Indiana, Nebraska, Kansas and Wisconsin.
>
> The laws passed by the legislatures of Massachusetts, Nebraska, Maine and Indiana should be amended:
>
> In the law of Massachusetts the words "Whoever knowingly and wilfully forges and counterfeits" should be stricken out; it will be almost impossible to convict an offender while that remains part of the law.
>
> Under the law of Nebraska, no violator can be convicted 'Unless he had been notified in writing by the owner thereof,' which practically means that the first offense is no crime and can not be punished.
>
> The law of Maine is practically worthless, because it provides for a local label only. The label of the International Union can not be registered, unless the property right is assigned to a treasurer of a local union in that State.
>
> The law of Indiana contains many weak points. It allows the sale of a trademark or label to other parties, and provides protection for citizens of that State only. It has no value for the International Union, which is composed of citizens of United States and Canada. The label is the property of the entire organization which cannot be assigned to a local union or to the local unions of a single State.
>
> In the States of New York and Illinois, certificates of registration have been obtained in the name of the Cigar Makers' International Union of America. No local union should be permitted to apply for any other certificate.
>
> It is absolutely necessary, for the better protection of the label, to secure laws providing for fine and imprisonment, in the States of Missouri and Pennsylvania, which seems to be the hot-bed of counterfeiters and pirates. I would therefore suggest that an appropriation be made sufficient to meet the necessary expenses.[1]

[1] Proceedings of the Nineteenth Session, Cigar Makers' International Union, 1891. Cigar Makers' Official Journal, October, 1891, pp. 5–6.

In 1908 laws for the registration and protection of trade-union labels were in force in forty-one States and territories. These laws in general provide that any trade union may register its label on payment of a small fee with some designated state official, usually the secretary of state. Any person counterfeiting such a label is guilty of a misdemeanor. The punishment for the offense is usually a maximum fine varying from $100 to $500, or a maximum imprisonment varying from three months to one year. The minimum fine is not ordinarily fixed, but in a few states it is $25; the minimum term of imprisonment also is not ordinarily fixed, but in a few States it is three months.[1]

[1] Twenty-second Annual Report of the Commissioner of Labor, 1907.

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